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12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF RIVERSIDE

14 CENTER FOR COMMUNITY ACTION AND
15 ENVIRONMENTAL JUSTICE; CENTER FOR
16 BIOLOGICAL DIVERSITY; COALITION FOR
17 CLEAN AIR, SIERRA CLUB; and SAN
18 BERNARDINO VALLEY AUDUBON SOCIETY,

19 Petitioners/Plaintiffs,

20 v.

21 CITY OF MORENO VALLEY, a municipal
22 corporation; MORENO VALLEY COMMUNITY
23 SERVICES DISTRICT, a dependent special district
24 of the City of Moreno Valley; and DOES 1-20
25 inclusive,

26 Respondents/Defendants,

27 HIGHLAND FAIRVIEW; HF PROPERTIES, a
28 California general partnership; SUNNYMEAD
PROPERTIES, a Delaware general partnership;
13451 THEODORE LLC, a California limited
liability company; THEODORE PROPERTIES
PARTNERS, a Delaware general partnership; HL
PROPERTY PARTNERS, a Delaware general
partnership; and ROES 21 through 40, inclusive,

Real Parties in Interest.

Case No:

(California Environmental Quality Act)

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE RELIEF UNDER THE
CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

[Code Civ. Proc., §§ 1085, 1094.5; CEQA
(Pub. Resources Code, §§ 21000 et seq.)]

Date:

Time:

Dept:

Judge:

Action Filed:

Trial Date: None set

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1 **I. INTRODUCTION**

2 1. On August 19, 2015, the City Council for the City of Moreno Valley (“City”) approved the
3 World Logistics Center Project (“Project”) – a 2,610 acre, 40+ million square foot warehouse
4 complex that would be larger than New York’s Central Park and may be the largest development of
5 its kind in the world. On the same day, the City also approved a final environmental impact report
6 (“Final EIR”) that purports but fails to analyze the widespread impacts of the Project’s construction
7 and operation.

8 2. Several entities challenged this approval under the California Environmental Quality Act
9 (“CEQA”). In 2018, Riverside County Superior Court issued a ruling in Petitioners’ CEQA action
10 identifying deficiencies in five issue areas in the FEIR: energy, biological resources and habitat,
11 noise, agriculture, and cumulative impacts. This matter is being considered by the Court of Appeals.

12 3. In July 2018, the City released a document entitled Revised Sections of the Final
13 Environmental Impact Report (“RSFEIR”), and in December 2019, the City released a document
14 entitled Draft Recirculated Revised Sections of the Final Environmental Impact Report (“Draft
15 Recirculated RSFEIR”).

16 4. In April 2020, the City released a Revised Final Environmental Impact Report (the “Revised
17 FEIR”) containing its Response to Comments on and revisions to the RSFEIR and Draft
18 Recirculated RSFEIR.

19 5. On or about May 15, 2020, the City’s Planning Commission certified the Revised FEIR,
20 approved a tentative parcel map for the Project, and recommended approval of a Development
21 Agreement for the Project.

22 6. Two appeals were filed, including an appeal by the Petitioners filing this lawsuit.

23 7. On June 16, 2020, the City Council denied the appeals of the Planning Commission’s actions
24 and approved both the Revised FEIR and the tentative parcel map.

25 8. On July 7, 2020, the City Council approved the Development Agreement for this Project.

26 9. Due to the size of the Project, the City’s action to approve the World Logistics Center
27 commits approximately 10% of the City’s total land mass to be developed and used solely for
28 warehouses and distribution centers, or other logistics support, indefinitely. If the Project is

1 constructed and operated as planned, residents of the City and its surrounding areas will see a future
2 that is dominated by large-scale massive warehouse developments, increased truck shipments and
3 traffic, and even worse air quality than they already experience.

4 10. Several governmental agencies, organizations, and individuals expressed deep concerns
5 about the Project and the associated environmental review conducted by the City throughout the
6 City’s decision-making process. These concerns were also echoed by the California Air Resources
7 Board (“ARB”), which was just as concerned about the implications of the Project’s dramatic
8 increase in heavy-duty truck traffic, and the resulting public health impacts that could not be
9 addressed by the City’s currently proposed mitigation measures, set forth in the Revised FEIR. The
10 California Department of Fish and Wildlife also expressed significant concerns about the impacts of
11 the Project on biological resources.

12 11. As noted in the comments submitted by these entities and individuals, including Petitioners
13 and Plaintiffs (hereinafter referred to collectively as “Petitioners”), as well as others, there are
14 myriad concerns stemming from the Project’s environmental and public health impacts. The size of
15 the Project alone, with its estimated thousands of truck trips per day, will substantially add to the
16 existing presence of ozone, ozone precursors, and other contaminants, such as carcinogenic diesel
17 particulate matter, in an air basin that already suffers from some of the worst air quality in the nation.
18 This additional air pollution will only exacerbate the serious, direct health impacts already
19 experienced by nearby residents, including the impacts of Covid-19, as well as impacts from noise
20 caused by the construction and operation of the Project. In addition, the Project will contribute
21 unprecedented levels of greenhouse gas (“GHG”) emissions that will add to, rather than reduce
22 climate change impacts. As a result, the Project directly conflicts with existing State GHG reduction
23 goals. The Project will also impose severe and detrimental impacts to a variety of imperiled species,
24 habitats and other biological resources. Yet, the Project’s environmental review document and the
25 City’s environmental review process have failed to adequately address these impacts.

26 12. The City has also failed to require re-circulation of the EIR in light of critical information
27 that must be analyzed in the document, and for which the public must be allowed the opportunity to
28 provide comments. These and many additional fatal flaws in the Revised FEIR’s analyses have led

1 Petitioners and their organizational members to become deeply concerned by the City’s decision to
2 approve this Project. Given the scope and significant impacts of the Project, it is critical that the City
3 comply with the requirements of the California Environmental Quality Act (“CEQA”), Public
4 Resources Code section 21000 et seq., and the CEQA Guidelines, title 14, California Code of
5 Regulations, section 15000 et seq., before moving forward on a project of this scale. To date, the
6 City has failed to do so.

7 13. As a result, Petitioners bring this action on their behalf, on behalf of their members, the
8 general public, and in the public interest, to compel the City to adhere to CEQA’s critical
9 environmental review and mitigation requirements designed to maintain a high-quality, healthy
10 environment for all Californians.

11 **II. PARTIES**

12 14. Petitioner and Plaintiff CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL
13 JUSTICE (“CCAIEJ”) is a membership-based California non-profit environmental health and justice
14 organization with its primary membership in and around Riverside County. CCAIEJ’s mission is to
15 bring people together to improve their social and natural environment, and to build community
16 power in order to create safer, healthier, toxic free places to live, work, learn and play in and around
17 the counties of Riverside and San Bernardino. CCAIEJ has its physical offices in Jurupa Valley and
18 organizes to build leadership for community action in Jurupa Valley, Mira Loma, in the City and the
19 Count of Riverside, as well as other cities throughout the counties of Riverside and San Bernardino.
20 CCAIEJ has identified the City as a “community at risk” for various environmental injustices
21 including bearing a disproportionate share of the impacts from high polluting industries, heavy-duty
22 diesel truck and other mobile source emissions, and suffering other disparities created by zoning and
23 irresponsible land use planning. Accordingly, CCAIEJ, together with co-petitioners to this action and
24 other environmental groups, filed extensive comments that are part of the administrative record for
25 the City’s approval of the Project and Revised FEIR. CCAIEJ’s members are extremely concerned
26 that the Project will detrimentally impact their health and wellbeing, and the health and wellbeing of
27 their children, their community, and the environment, and that it will detrimentally impact the area’s
28 surrounding resources. Most of CCAIEJ’s members who reside in and around Riverside County and

1 around the proposed site for the Project already suffer a disproportionate burden from existing
2 stationary and mobile sources of pollution, including significant air pollution from, *inter alia*, the
3 movement of goods throughout the region to existing warehouses and other large-scale storage and
4 distribution centers.

5 15. Petitioner and Plaintiff CENTER FOR BIOLOGICAL DIVERSITY (the “Center”) is a
6 nonprofit corporation with offices in San Francisco, Los Angeles, and elsewhere throughout
7 California and the United States. The Center is actively involved in environmental protection issues
8 throughout California and North America and has over 70,000 members, including many throughout
9 California and in Riverside County. The Center’s mission includes protecting and restoring habitat
10 and populations of imperiled species, reducing GHG pollution to preserve a safe climate, and
11 protecting air quality, water quality, and public health. The Center’s members and staff include
12 individuals who regularly use and intend to continue to use the areas in Riverside County and
13 elsewhere affected by the Project, including numerous members who are particularly interested in
14 protecting the native, endangered, imperiled, and sensitive species and habitats found in the San
15 Jacinto Wildlife Area (“SJWA”), that will be detrimentally impacted by the construction and
16 operation of the Project. As such, the Center has submitted extensive comments to the City,
17 throughout its decision-making process regarding the Project, which are now part of the
18 administrative record of the City’s decision to approve the Project and its Revised FEIR.

19 16. Petitioner and Plaintiff COALITION FOR CLEAN AIR (“CCA”) is a California nonprofit
20 organization that is dedicated to restoring clean healthy air to California by advocating for effective
21 public policy and practical business solutions. For the past 50 years CCA has made significant
22 improvements to California’s air by advocating for innovative policy solutions through both state
23 and federal legislation; encouraging the early adoption of new technologies; advising businesses on
24 regulatory compliance and clean air practices; and empowering its allies with technical and policy
25 expertise to educate decision-makers and the public on air pollution solutions. CCA has offices in
26 Los Angeles and Sacramento, and has a direct interest in protecting and improving the quality of the
27 air in Southern California and throughout the State. As such, CCA submitted comments to the City,
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1 during its decision-making process regarding the Project, which are now part of the administrative
2 record of the City’s decision to approve the Project and its Revised Final EIR.

3 17. Petitioner and Plaintiff SIERRA CLUB is a national nonprofit organization of approximately
4 799,000 members. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of
5 the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to
6 educating and encouraging humanity to protect and restore the quality of the natural and human
7 environment; and to using all lawful means to carry out these objectives. Sierra Club’s particular
8 interest in this case stems from the Sierra Club’s local San Gorgonio Chapter’s interests in
9 preserving the native, endangered, imperiled and sensitive species and wildlife habitats of the
10 SJWA; decreasing rather than increasing heavy-duty and medium-duty truck traffic in an already
11 highly overburdened air basin; and ensuring that good, livable, and healthy jobs are brought to the
12 area. The members of the San Gorgonio Chapter live, work, and recreate in an around the areas that
13 will be directly affected by the construction and operation of the Project. Sierra Club submitted
14 extensive comments to the City throughout its environmental review process for the Project, which
15 are part of the City’s record of its decision to approve the Project and its Revised Final EIR.

16 18. Petitioner and Plaintiff SAN BERNARDINO VALLEY AUDUBON SOCIETY (“SBVAS”) is a local chapter of the National Audubon Society, a nonprofit corporation that focuses on inspiring
17 and mobilizing people nationwide to protect hundreds of bird species and their habitats through
18 conservation, education and advocacy efforts. Founded in 1948, the SBVAS chapter area covers
19 almost all of Riverside and San Bernardino counties, including the Project site. The SBVAS chapter
20 has approximately 2,000 members, about half of whom live in Riverside County and regularly
21 engage in the bird watching, conservation, education and advocacy activities to protect bird species
22 in and around the area where the Project construction and operation will take place. The SBVAS’
23 mission extends beyond the preservation of bird species and includes the preservation of imperiled
24 and sensitive habitats throughout the area for all wildlife, and maintenance of the quality of life in
25 the Inland Empire. As such, the SBVAS chapter is particularly concerned with the impacts that the
26 construction and operation of the Project will have on various species, including but not limited to,
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1 bird species in the SJWA, in and around the City and throughout Riverside and San Bernardino
2 counties.

3 19. By this action, Petitioners seek to protect the health, welfare, and economic interests of their
4 members and the general public and to enforce the City's duties under CEQA. Petitioners' members
5 and staff have an interest in their health and well-being, in the health and well-being of others,
6 including the residents of the City, its surrounding areas in Riverside County, and in the region.
7 Petitioners also have a strong interest in conserving and protecting the environment, the aesthetic
8 and ecological integrity of the areas surrounding the Project area, and economic interests in
9 Riverside County. Petitioners' staff and members who live and work near the Project also have a
10 right to and a beneficial interest in the City's compliance with CEQA. These interests have been, and
11 continue to be, threatened by the City's decision to certify the Revised FEIR and approve the Project
12 in violation of CEQA. Unless the relief requested in this case is granted, Petitioners' staff and
13 members will continue to be adversely affected and irreparably injured by the City's failure to
14 comply with CEQA.

15 20. Respondent and Defendant CITY OF MORENO VALLEY is a municipally funded, general
16 law City, incorporated, organized and existing under the laws of the state of California since the year
17 1984, with the capacity to sue and be sued.

18 21. As referred to herein, "the City" consists of all councils including the current five-member
19 City Council, boards, commissions and departments including the current Planning and/or Land Use
20 Department and/or the City's Planning Commission.

21 22. The City is the "lead agency" as the term is defined by CEQA, and is therefore charged with
22 principal responsibility for carrying out or approving the Project, and for evaluating the Project's
23 environmental impacts pursuant to CEQA. (Pub. Res. Code § 21067.)

24 23. The City approved the Project and certified the Revised FEIR at issue in this case, and based
25 on information and belief, authorized and filed or caused to be filed at least four Notices of
26 Determination certifying the Revised FEIR and approving a Statement of Overriding Considerations.
27 The Notices of Determination were posted by the County of Riverside's County Clerk on or about
28 June 17, 2020.

1 24. The City also approved a tentative parcel map and a Development Agreement for the Project.

2 25. The City Council approved the first reading of the Development Agreement for the Project
3 on June 16, 2020.

4 26. On July 7, 2020, the City Council had its second reading of the Development Agreement.

5 27. Based on information and belief, the City has also executed, approved, and is a party to a
6 development agreement with Real Parties in Interest, which among other things specifically sets
7 forth Project-related construction and operation details concerning, for example, grading and
8 building permits.

9 28. The City Issued another Notice of Determination on July 8, 2020.

10 29. Based on information and belief the City has also issued and/or approved land use changes
11 including but not limited to General and Specific Plan amendments; it has executed and/or approved
12 pre-annexation zoning changes for land that has not yet been acquired by the project applicant but
13 that is contained within the project area, and falls within the City's jurisdiction; and it has adopted or
14 approved a tentative parcel map to be governed by both the Specific Plan and the City's
15 development agreement for the purpose of financing the Project's approved activities.

16 30. Petitioners are also informed and believe and on that basis allege that the MORENO
17 VALLEY COMMUNITY SERVICES DISTRICT ("CSD") is a governmental body within the City,
18 established pursuant to the Community Services Law (Cal Gov. Code section 6100 et seq.). CSD is a
19 dependent special district of the City and the City's five-member City Council serves as its Board of
20 Directors. CSD is responsible for setting forth certain funding mechanisms and services within the
21 territory covered by the Project and subject to Project related approvals within the territory and
22 jurisdiction of the City.

23 31. Petitioners are informed and on that basis believe that CSD's staff, contractors and
24 consultants working under its control and direction approved a resolution, which was supported by
25 the Revised FEIR's analysis furthering the Project.

26 32. Petitioners do not know the true names of Does 1 through 20 inclusive, and therefore, name
27 them by such fictitious names. Petitioners will seek leave from the Court to amend this petition to
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1 reflect the true names and capacities of Does 1 through 20 inclusive once they have been
2 ascertained.

3 33. Petitioners are informed and believe on that basis allege that HIGHLAND FAIRVIEW is a
4 Real Party in Interest in so far as it is the entity named and thereby identified on the City’s public
5 notice documents relating to the Project including its August 26, 2015, June 17, 2020, and July 8,
6 2020 Notices of Determination, pursuant to Public Resources Code section 21167.6.5.

7 34. Petitioners are also informed and on that basis believe that HF PROPERTIES, a Delaware
8 general partnership is also a Real Party in Interest insofar it is listed as owners and developers of the
9 property subject to the City’s actions pursuant to its approval of the Project and the Revised Final
10 EIR, including the City’s execution of the development agreement required by the Project.

11 35. Petitioners are further informed and on that basis believe that HF PROPERTIES is a Real
12 Party in Interest insofar as it is listed as a “Project Applicant” on the City’s public notice documents
13 relating to the Project, including its June 17, 2020 and July 8, 2020 Notices of Determination,
14 pursuant to Public Resources Code section 21167.6.5.

15 36. Petitioners are further informed and on that basis believe that SUNNYMEAD PROPERTIES,
16 a Delaware general partnership is also a Real Party in Interest insofar as it is listed as an owner and
17 developer of the property subject to the City’s actions pursuant to its Project approvals and Project
18 related actions, and is listed as a “Project Applicant” on the City’s public notice documents relating
19 to the Project, including its June 17, 2020 and July 8, 2020 Notices of Determination, pursuant to
20 Public Resources Code section 21167.6.5.

21 37. Petitioners are further informed and on that basis believe that 13451 THEODORE LLC, a
22 California limited liability company, is also a Real Party in Interest insofar as it is also listed as an
23 owner and developer of the property subject to the City’s actions, pursuant to the Project, including
24 the City’s execution of the development agreement required for the Project, and is listed as a
25 “Project Applicant” on the City’s public notice documents relating to the Project, including its June
26 17, 2020 and July 8, 2020 Notices of Determination, pursuant to Public Resources Code section
27 21167.6.5.

1 38. Petitioners are further informed and on that basis believe that THEODORE PROPERTIES
2 PARTNERS, a Delaware general partnership, is also a Real Party in Interest insofar as it is listed as
3 a “Project Applicant” on the City’s public notice documents relating to the Project, including its June
4 17, 2020 and July 8, 2020 Notices of Determination, pursuant to Public Resources Code section
5 21167.6.5.

6 39. Petitioners are further informed and on that basis believe that HL PROPERTY PARTNERS,
7 a Delaware general partnership, is also a Real Party in Interest insofar as it is listed as a “Project
8 Applicant” on the City’s public notice documents relating to the Project, including its June 17, 2020
9 and July 8, 2020 Notices of Determination, pursuant to Public Resources Code section 21167.6.5.

10 40. Petitioners do not know the true names of Roes 21 through 40 inclusive, and therefore, name
11 them by such fictitious names. Petitioners will seek leave from the Court to amend this petition to
12 reflect the true names and capacities of Roes 21 through 40 inclusive once they have been
13 ascertained.

14 **III. JURISDICTION AND VENUE**

15 41. Venue is proper in the Superior Court of California, County of Riverside under Code of Civil
16 Procedure section 395 because the City, its City Council and the proposed project are currently
17 located, or will be located in Riverside County.

18 42. Venue is also proper in the Court pursuant to Code of Civil Procedure sections 393, 394.

19 43. The action is filed in the Riverside Historic Courthouse, 4050 Main Street, Riverside, 92501,
20 in accordance with the Standing Administrative Order – Where to File Documents – dated
21 September 16, 2019, which requires all CEQA Petitions for Writ of Mandate to be filed in this
22 Courthouse.

23 44. The court has jurisdiction over this action pursuant to Public Resources Code section 21168
24 and Code of Civil Procedure section 1094.5 (or in the alternative, pursuant to Public Resources Code
25 section 21168.5 and California Code of Civil Procedure section 1085).

26 45. This petition has been filed within 30 days of the filing and posting of the City’s Notice of
27 Determination approving the Project and the Revised FEIR, which was posted by the City on its
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1 website, in accordance with Public Resources Code section 21167(c) and Cal. Code Regs., tit. 14
2 (“CEQA Guidelines”) section 15112(c)(1).

3 46. Petitioners have complied with Public Resources Code section 21167.5 by prior service of a
4 letter upon the City indicating their intent to file this petition. (Attachment A.)

5 47. Petitioners have performed any and all conditions precedent to filing this instant action and
6 have exhausted any and all available administrative remedies to the extent required by law.

7 48. Petitioners do not have a plain, speedy, or adequate remedy at law because Petitioners and
8 their members will be irreparably harmed by the City’s failure to comply with CEQA’s
9 environmental review and mitigation requirements in approving the Revised FEIR for the Project
10 and by the ensuing environmental and public health consequences that will be caused by the
11 construction and operation of the Project, as approved.

12 **IV. STATEMENT OF FACTS**

13 **A. Community and Environmental Setting**

14 49. Moreno Valley spans a total of 51.5 square miles of the Western portion of Riverside
15 County, located in the Inland Empire. It is surrounded by the cities of Riverside and Perris, the
16 March Air Reserve Base, Lake Perris and Lake Perris State Park, the San Timoteo Badlands, and the
17 SJWA – an approximately 19,000-acre state conservation area, a portion of which shares an
18 approximately 2 mile border with the Project.

19 50. The City has a population of approximately 210,639 residents,¹ a small fraction of the over 2
20 million people living in Riverside County who will be subject to the immediate and direct
21 environmental impacts of the Project.

22 51. In the past several years, Riverside County and, specifically, the portion of the County where
23 the City is located, have seen a dramatic influx of large-scale warehouse development, impacting the
24 health of its residents, and the environment.

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28 ¹ See City of Moreno Valley demographic and historical data, available at: <http://www.moreno-valley.ca.us/community/about.shtml>

1 52. The City is already home to one of the largest warehouses in the region – a 1.82 million
2 square foot distribution center – and, in addition to the Project, will likely see at least two other
3 large-scale warehouse developments in the very near future.

4 53. Notably, Riverside County and the City are over 80 miles away from the nearest ports, yet,
5 much of the area’s recent development has been geared towards receiving goods from those ports,
6 for storage, sale, and distribution.

7 54. As a result of increased and continued industrial growth throughout the Inland Empire,
8 including a growing concentration of storage and distribution centers throughout Riverside County
9 and in the City, vehicle and truck traffic throughout the area has increased, causing severe traffic
10 issues on Riverside County roads, and along the region’s interstate highways.

11 55. Indeed, the rapid increase in the construction and operation of warehouses, storage and
12 distribution centers in the area has been recognized as an environmental, public health and policy
13 concern by California government agencies and the State’s executive officers, including the
14 Attorney General and the ARB. On the basis of comment letters filed by these agencies, Petitioners
15 are informed and therefore believe that these State officers and agencies are especially concerned
16 with the lack of environmental review conducted to analyze the environmental consequences of
17 large-scale commercial sales, storage and distribution centers like the Project, and the lack of
18 consideration for the traffic, air pollution and public health impacts these projects bring with them.

19 56. The part of Riverside County where the City is located falls under the jurisdiction of the
20 SCAQMD – the regional air pollution control agency with authority to regulate the “critical air
21 pollution problems” throughout the South Coast Air Basin (“Basin”), which includes all of Orange
22 County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties. (Health
23 & Safety Code § 40402(b).)

24 57. SCAQMD is specifically responsible for clean air planning in and throughout the Basin,
25 pursuant to the Clean Air Act. The air quality planning SCAQMD conducts is critical to meeting
26 national air pollution control standards set forth under the Clean Air Act, including the National
27 Ambient Air Quality Standards (“NAAQS”) aimed at reducing the presence of contaminants of
28 concern that severely impact public health and the environment, which contribute to climate change.

1 These contaminants include but are not limited to, nitrogen oxide (“NOx”), particulate matter
2 (“PM”), which produces soot, ground-level ozone (or “smog”), and ozone precursors that are highly
3 prevalent throughout the Basin, and specifically in the Western portion of Riverside County where
4 the City is, and where the Project will be located.

5 58. The Basin experiences complex and significant air quality issues caused by an extremely
6 high concentration of a variety of industrial activities and on-road vehicle traffic including diesel
7 emissions from heavy-duty truck traffic. As a result, the Basin exceeds federal public health
8 standards for both ozone and PM, resulting in its residents experiencing some of the worst air
9 pollution in the nation.

10 59. The Western portion of Riverside and San Bernardino counties and the area specifically
11 surrounding the City have been identified as air pollution hot spots by air quality regulators
12 including SCAQMD for decades. This area suffers some of the worst PM concentrations in the
13 nation as a result of pollution blowing in from both Los Angeles and Orange counties, combined
14 with high concentrations of air pollution from other sources farther east that become trapped by
15 surrounding mountain ranges. The area has also experienced worsening air quality as a result of
16 increased diesel pollution from trucks used to transport goods into the region’s growing number of
17 warehouses and other storage and distribution facilities. Notably, diesel exhaust, or diesel particulate
18 matter (“DPM”), which is highly prevalent throughout the Basin and throughout Riverside and San
19 Bernardino counties, contains dangerous levels of PM, carbon, soot, and other harmful and
20 carcinogenic contaminants that can cause a host of short-term acute exposure impacts such as
21 respiratory diseases, including asthma, and lung cancer.

22 60. ARB, the state agency charged with monitoring the regulatory activity of California’s 35
23 local air districts including SCAQMD, has determined that diesel exhaust is responsible for over 70
24 percent of the health risks associated with air pollution statewide. SCAQMD has likewise
25 determined that DPM accounts for over 68 percent of the health risks associated with breathing air in
26 and around the Basin.

27 61. Consistent and continued exposure to DPM is, therefore, a serious concern for Basin
28 residents and particularly for those residing along heavy-duty truck thoroughfares. Interstate

1 highway 15 (“I-15”) and state route 60 (“SR 60”) are just some of the thoroughfares that especially
2 impact Riverside County, City residents and residents of the areas surrounding the City. Other
3 thoroughfares such as highway 710 (“I-710”) and state routes 91 and 22, also impact numerous
4 residents living closer to the ports. These residents suffer impacts from heavy pollution caused by
5 ships and port-based pollution sources in addition to increased truck traffic to ship goods out of the
6 port area to storage and distribution centers located at far distances. Residents who live along these
7 and other thoroughfares experience some of the region’s most concentrated vehicle traffic and
8 breathe some its most polluted air. Most of these residents also lack the financial means to address
9 the health problems caused by these exposures. Children, who are among the most vulnerable
10 residents, are not only subject to these avoidable health impacts, but they also experience some of
11 the highest rates of school absences, which means lost work days for parents and caregivers, all of
12 which only further impacts families and these communities.

13 62. The introduction of the COVID-19 virus into these communities places them at even greater
14 risk because people exposed to elevated levels of air pollution face worse outcomes if they contract
15 the virus.

16 63. In addition to the region’s grave DPM, ozone, and other PM emission concentrations, the
17 Basin and the western portion of Riverside and San Bernardino counties, like the rest of the state, are
18 experiencing increased impacts from climate change including decreasing water supply and rainfall
19 as well as increasing temperatures, which often exacerbate air pollution concentrations.

20 64. GHG emissions contribute to local, regional, and global climate change impacts and, as such,
21 they have been the subject of increased statewide regulatory efforts.

22 65. ARB and the Governor’s office have adopted rigorous goals and standards to decrease the
23 state’s GHG emissions, and to decrease the impacts from climate change. Some of these targets have
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1 been codified into state law, and others have been declared by executive order, or by agency action.²
2 The thrust of many of the State’s most recent efforts has been to actively limit GHG emissions, e
3 recognizing that a pure “business as usual” approach will only exacerbate and accelerate the impacts
4 of climate change, rather than help to reduce and slow its negative consequences.³ In setting forth its
5 GHG reduction efforts, the State has emphasized the importance of local agency involvement, and
6 local agency commitments to reducing GHG emissions through their policy and planning processes.
7 Continued coordination between State, regional, and local entities is instrumental to ensuring the
8 efficacy of the State’s policies and to enabling the State to reach its reduction targets.

9 66. In addition to impacting human health and resource availability and access over time, climate
10 change also directly impacts the environment, including the presence and viability of numerous
11 biological species and their habitats throughout the State and locally, within Riverside County.
12 Many native, sensitive, and imperiled species and their habitats are found in and around the City,
13 and many are located in the immediate vicinity of the Project.

14 67. The SJWA’s total 19,000 acres is home to a number of imperiled biological species, many of
15 which are native to California. Others migrating through the Pacific Flyway – a migratory bird
16 passage that extends from the southernmost tip of South America along the Pacific Ocean, to the
17 North Slope of Alaska – also rely on the SJWA en route. 9,000 acres of the SJWA is also comprised
18 of restored wetlands, which provide critical habitats to these migratory birds as well as terrestrial
19 species that may also migrate to the area in search of limited water.

20 68. Just some of the animal and plant species that are found in the SJWA include: the Burrowing
21 Owl (a species of special concern, whose viability is threatened by continued urban and sub-urban
22

23 ² See e.g., Health and Safety Code § 38500 et seq., the California Global Warming Solutions Act of
24 2006 [setting forth a statewide requirement to reduce GHG emissions to 1990 levels by 2020 — a
25 reduction of approximately 15 percent below emissions expected under a “business as usual” scenario
26 – and requiring ARB to adopt regulations to achieve the maximum technologically feasible and cost-
effective GHG emission reductions; to mitigate risks associated with climate change; improve energy
efficiency; and expand the use of renewable energy resources, cleaner transportation, and waste
reduction practices].

27 ³ See id., see also, California State Executive Order B-30-15, April 29, 2015, Governor Edmund G.
28 Brown [increasing the state’s GHG reduction target to achieve 40% below 1990 level reductions by
the year 2030].

1 development); the Tri-Colored Blackbird (a bird that has received emergency protection status in
2 2014, and whose population remains in rapid decline); the fully protected California Golden Eagle;
3 25 species of raptors and at least 65 of the 146 species of plants and animals covered by the Western
4 Riverside County Multiple Species Habitat Conservation Plan, including the Los Angeles pocket
5 mouse (a threatened and State special status species native to the San Bernardino and Riverside
6 County areas). The SJWA is also home to three threatened and endangered plant species such as the
7 Spreading Navarretia, Threadleaved Brodiaea, and the San Jacinto Crownscale.

8 69. A significant portion of the land found in the area immediately adjacent to the approved
9 Project is used specifically for habitat and species conservation, and is comprised of the part of the
10 SJWA and reserve lands that are governed by the Western Riverside County Multiple Species
11 Habitat Conservation Plan. In addition to conservation uses, there are a few residences and small
12 family farms in the vicinity of where the Project's 2,610 acre warehouse complex will be constructed
13 and will operate.

14 **B. The Project and Its Environmental Impacts**

15 70. The Project involves construction and operation of a 40.6 million square foot warehouse
16 complex, which, according to the EIR and other approval documents, will be used to provide a major
17 logistics center to accommodate an undefined "portion" of the trade volumes at the Ports of Los
18 Angeles and Long Beach.

19 71. The total area needed to effectuate the Project's construction and operations include
20 committing almost 4,000 acres within the City to indefinite future use for logistics – receiving and
21 distributing shipments by truck, conducting sales, and offering storage services – or logistics
22 support. Thus, in addition to the 40.6 million square foot or 2,610 acre warehouse envisioned by the
23 Project, the land use changes involved in the Project's approvals commit approximately 10 percent
24 of the City's total land mass to be developed and used solely for warehouses, distribution centers,
25 and associated facilities indefinitely.

26 72. Given the size and scope of the Project, the Project approvals that have been or will be issued
27 by the City include the following: a new Specific Plan and Specific Plan Amendment; a General
28 Plan Amendment; pre-annexation zoning changes for land that has not yet been acquired by Real

1 Parties in Interest, but is located within the Project area and is subject to the City's jurisdiction;
2 execution of a development agreement consistent with the construction of the Project as described in
3 its notice and environmental review documents; and adoption or approval of a tentative parcel map
4 to be governed by the Project's approvals and used for the purpose of financing the Project's
5 operations.

6 73. As proposed, the Project will also involve drastic deviations from the City's current General
7 Plan designations and goals, which include, *inter alia*, (1) properly screening manufacturing and
8 industrial land uses to support mixed-use development and to avoid increased traffic flows as well as
9 disruptive construction and operation; (2) mitigating and minimizing where necessary, increased
10 traffic, noise, light, and glare caused by land use activities; and (3) requiring development along
11 scenic roadways to be visually attractive.

12 74. Because the Project involves construction and operation of a warehouse complex that is so
13 vast in size, the Project will necessarily involve single-use development throughout a vast portion of
14 the City's land; increased traffic flows and will involve disruptive construction and operation as well
15 as high levels of light, fumes, noise, and glare, which will also obstruct scenic views.

16 75. Because the Project will also necessarily attract increased truck and other vehicular traffic,
17 the Project will also significantly impact the air quality in the immediate vicinity of the Project, as
18 well as throughout the City, the County, and the region.

19 76. Moreover, because the Project will be located at least 80 miles away from the nearest port
20 and the only other point of entry for goods that appear likely to be stored at the World Logistics
21 Center is the Ontario Airport, the Project is likely to cause significant impacts along all roadways,
22 thoroughfares, highways and highway corridors linking the ports of Los Angeles and Long Beach to
23 Moreno Valley.

24 **C. The City of Moreno Valley's Initial Project Approval and Environmental Review Process**

25 **1. The City's Draft EIR**

26 77. On February 24, 2013, the City released a Draft EIR for a review and public comment
27 period, which closed on April 8, 2013.

1 78. Hundreds of members of the public, including Petitioners, submitted extensive comments to
2 the City regarding numerous, severe flaws contained in the Draft EIR's analyses. Such comments
3 expressed serious concerns about the Draft EIR's failure to adequately analyze or mitigate the
4 Project's significant adverse traffic impacts; its failure to adequately analyze or mitigate the
5 Project's significant and adverse impacts to air quality and human health, including the Project's
6 potentially severe DPM and GHG emissions impacts, as well as its growth inducing impacts.

7 79. Numerous public commenters, including Petitioners, also discussed at length the Draft EIR's
8 failure to adequately analyze or mitigate the Project's significant and adverse impacts on biological
9 resources, including imperiled, sensitive, and endangered species and habitats located in the nearby
10 SJWA. These comments specifically highlighted the Draft EIR's omission of mitigation measures
11 necessary to address the impacts that both construction and operation of the Project will have on the
12 wildlife habitats.

13 **2. The City's Final EIR and Draft Statement of Overriding Consideration**

14 80. On May 1, 2015, the Final EIR was released for a 45-day comment period. At the same time,
15 the City also prepared and released for comment a draft Statement of Overriding Considerations
16 outlining the overriding economic, legal, social, technological, or other benefits of the Project that
17 allegedly outweigh the significant effects on the environment.

18 81. Given that the Final EIR failed to address the Draft EIR's deficiencies, Petitioners repeated
19 their concerns about the Final EIR's failure to, *inter alia*: adequately analyze the Project's impacts in
20 a project-level, rather than a programmatic EIR – again, in light of the project-level details contained
21 in the City's draft development agreement; its failure to adequately evaluate and mitigate the
22 Project's significant traffic, air quality, public health, and environmental impacts, with specific
23 emphasis on its failure to adequately disclose and evaluate the Project's GHG, DPM and other toxic
24 air emissions as well as its failure to adequately analyze the Project's impacts to endangered,
25 imperiled, and sensitive biological species and habitats of the SJWA; and its inclusion of significant
26 new information.

1 **i. Significant New Information and Changes**

2 82. Petitioners and other commenters, including ARB, further noted that the Final EIR’s
3 inclusion of new information that was omitted from the Draft EIR or unknown at the time of its
4 publication triggered yet another reason to re-draft, re-notice and re-circulate the full Final EIR
5 pursuant to CEQA.

6 83. In particular, the new information, which Petitioners and others noted in comments, was
7 included in the Final EIR but never studied, addressed, or commented on in the Draft EIR includes
8 the following:

- 9 • A mistaken reliance on the use of a set of adjoining parcels of land purchased by the
10 State Department of Fish and Wildlife (“CDFW”) for conservation purposes relating
11 to the SJWA habitats and species, and which are referred to throughout the Final EIR
12 documents as “CDFW parcels” as a “buffer,” and included as part of the Project’s
13 “mitigation.” Petitioners pointed out the Final EIR’s reference to such parcels as a
14 “buffer” was an addition made to the Final EIR document, which was not contained
15 in the Draft EIR, as the Draft EIR described the same parcels as part of the Project.
16 Petitioners pointed out that this amounted to significant new information because it
17 resulted in a complete failure to analyze the true impacts that the Project will have on
18 SJWA and other surrounding areas.
- 19 • New mitigation approaches for impacts, including noise, GHG, and air quality.

20 **ii. Greenhouse Gas (GHG) Emissions Impacts**

21 84. The Final EIR also included an additional approach to the Project’s GHG emissions, which
22 Petitioners and other commenters noted impermissibly excludes a significant portion of the Project’s
23 emissions from consideration under CEQA. The Final EIR claimed that although the Project is
24 estimated to result in almost 400,000 metric tons of GHGs annually, over three quarters of those
25 emissions did not need to be analyzed or mitigated because they are “capped” under California’s
26 Global Warming Solutions Act of 2006, known as “AB 32” – an act that requires the ARB to adopt
27 and implement cost-effective “cap and trade” measures to reduce GHG emissions from certain
28 covered sources. ARB has adopted regulations implementing these “cap and trade” measures.

1 85. The Final EIR concluded that because refiners and suppliers of transportation fuels may hold
2 compliance obligations under the AB 32 “cap and trade” regulation, mobile source emissions
3 including emissions from truck traffic did not need to be analyzed or mitigated in the document.

4 86. Notably, however, California law authorizes the “cap and trade” regulation only through the
5 year 2030.

6 87. Petitioners and other commenters thus pointed out that because the Project’s GHG emissions
7 would extend beyond the time-frame contemplated by AB 32, and because they dramatically exceed
8 SCAQMD’s threshold level of significance for GHG emissions, which is 10,000 metric tons – these
9 emissions, which are many times greater than the applicable CEQA threshold levels, could not be
10 dismissed as less than significant under CEQA based on the claim that they are “capped” under
11 AB32.

12 88. Petitioners and others further pointed out that because those emissions have real, known, and
13 potential impacts, including impacts on climate change, they must be analyzed and mitigated
14 pursuant to CEQA, notwithstanding the “cap and trade” regulation. Petitioners also noted the danger
15 in setting forth this type of analysis, which could, in essence, allow project proponents or lead
16 agencies to evade necessary CEQA review of a project’s severe environmental impacts.

17 **iii. Additional Errors and Lack of Substantial Evidence**

18 89. Finally, Petitioners pointed out that while the City included a Draft Statement of Overriding
19 Considerations, the Statement and its single supporting document - a report that only generally
20 described but did not state in detail how the Project would lead to good, secure, and stable jobs for
21 surrounding area residents - failed to set forth sufficient, detailed information to support the
22 Statement of Overriding Consideration’s claims that the City and its residents would be benefitted by
23 the Project, notwithstanding the significant environmental and public health impacts that a Project of
24 this size and scope brings with it.

25 **3. The City’s Approval of the Final EIR and Statement of Overriding Considerations**

26 90. On June 30, 2015, the Moreno Valley Planning Commission approved the Project with a 6-1
27 vote, despite Petitioners’ arguments and comments regarding the severe flaws in the Final EIR’s
28 analyses of the Project’s public health, air quality, GHG, and biological species impacts, as well as

1 numerous other flawed points of analyses set forth in the Final EIR. After the City Planning
2 Department issued its approval, and before the Project was to be approved by the City Council,
3 Petitioners and other commenters continued to submit additional comments, emphasizing the need to
4 re-evaluate the Project's impacts and urged the City to reject the Final EIR as drafted.

5 91. After the City Planning Department issued its approval, but before the City Council
6 considered whether it would adopt or reject the Planning Department's approval, Petitioners
7 submitted to the City Council an expert report published by the University of Southern California
8 that refuted many of the claims made in the Draft Statement of Overriding Considerations.

9 92. Numerous other organizations and government agencies including the ARB and SCAQMD,
10 among others, also submitted additional comments to the City during the same time frame.

11 93. On August 19, 2015, the City Council decided to approve the Final EIR and the Project on a
12 3-2 vote. In so doing the City also approved the Statement of Overriding Considerations; Project
13 related entitlements, including a development agreement between the City and Real Parties in
14 Interest; and General Plan and Specific Plan amendments as well as the Specific Plan for the Project
15 area.

16 94. In September 2015, Petitioners and other environmental, labor, and community organizations
17 initiated CEQA litigation in Riverside County Superior Court challenging the Final EIR and the
18 City's approval of the Project.

19 95. While the CEQA challenge was pending, Highland Fairview circulated initiative petitions in
20 the City that, among other things, purported to repeal and approve the development agreement
21 between the City and the Project applicants. On or before November 24, 2015, the City Clerk
22 determined that the initiative petitions contained sufficient signatures and presented the petitions to
23 the City Council. On November 24, 2015, the City Council adopted the initiatives without
24 submitting them to a vote by the people.

25 96. On February 22, 2016, Petitioners filed another petition for writ of mandate in Riverside
26 County Superior Court challenging the City Council's adoption of the development agreement by
27 initiative. The trial court denied the writ petition and entered judgment against Petitioners on
28 September 14, 2016.

1 97. Petitioners appealed. On August 23, 2018, the Court of Appeal, in a published decision,
2 reversed the Superior Court’s judgment and held that a development agreement cannot be adopted
3 by initiative. *Center for Community Action & Environmental Justice v. City of Moreno Valley* (2018)
4 26 Cal.App.5th 689, review denied (Nov. 28, 2018). On June 12, 2019, the Superior Court issued a
5 writ of mandate directing the City to set aside its adoption of the initiative measure that purported to
6 approve the development agreement.

7 98. In February 2018, the Riverside County Superior Court issued a ruling in Petitioners’ CEQA
8 action identifying deficiencies in five issue areas in the FEIR: energy, biological resources and
9 habitat, noise, agriculture, and cumulative impacts. The Court denied Petitioners’ challenge to the
10 FEIR’s GHG analysis. In June 2018, the Court entered judgment and issued a writ of mandate
11 directing the City to set aside its certification of the FEIR and its approval of a tentative parcel map
12 for financing and conveyance purposes.

13 99. Petitioners appealed the Superior Court’s denial of their challenge to the FEIR’s GHG
14 analysis; the City and Highland Fairview cross-appealed from the judgment granting Petitioners’
15 claims on the five identified issues. *Paulek v. Moreno Valley Community Services District* (Cal. Ct.
16 App. 4th Dist., Div. 2. No. E071184) (“*Paulek*”). On May 15, 2020, the Court of Appeal issued a
17 tentative opinion reversing the Superior Court’s judgment on the GHG issue and largely affirming
18 the Superior Court’s judgment in favor of Petitioners on the other issues. Oral argument in the
19 appeal is scheduled for August 5, 2020.

20 **D. The City of Moreno Valley’s Subsequent Project Approval and Environmental Review**
21 **Process**

22 **1. The City’s Revised Sections of the Final EIR**

23 100. In July 2018, the City released a document entitled Revised Sections of the Final
24 Environmental Impact Report (“RSFEIR”) that purported to address deficiencies identified by the
25 Riverside Superior Court in its analysis of impacts related to energy, biological resources and
26 habitat, noise, agriculture, and cumulative impacts. The RSFEIR was open for a review and public
27 comment period, which closed on September 7, 2018.

1 101. Numerous members of the public, including Petitioners, submitted extensive comments to
2 the City regarding the continuing severe flaws contained in the RSFEIR’s analyses. Such comments
3 expressed serious concerns about the RSFEIR’s failure to adequately address the deficiencies
4 identified by the Riverside Superior Court.

5 102. In particular, comments noted that the RSFEIR continues to inadequately address the direct
6 and cumulative impacts of the Project on biological resources and habitat, including the San Jacinto
7 Wildlife Area.

8 103. Comments also expressed concern with the RSFEIR’s weakened and insufficient analysis of
9 noise impacts and mitigation and the continued failure to adequately disclose, analyze the
10 significance of, and provide adequate mitigation for the Project’s significant noise impacts.

11 104. Comments additionally highlighted the RSFEIR’s flawed cumulative impacts analysis.

12 105. Comments also pointed out that the RSFEIR fails to adequately address and mitigate the
13 significant agricultural impacts related to this Project and improperly defers mitigation of
14 agricultural impacts until future plans are produced related to the development of the Project.

15 ***2. The City’s Draft Recirculated Revised Sections of the Final EIR***

16 106. In December 2019, the City released a document entitled Draft Recirculated Revised
17 Sections of the Final Environmental Impact Report (“Draft Recirculated RSFEIR”). The City found
18 the Draft Recirculated RSFEIR included significant new information requiring revision and
19 recirculation of portions of the RSFEIR pursuant to Section 15088.5 of the CEQA Guidelines. The
20 sections of the RSFEIR affected by the new information in this Draft Recirculated RSFEIR were Air
21 Quality including Human Health, Greenhouse Gas Emissions, and Energy. These sections were
22 made available for a 45-day public review beginning on December 17, 2019 and ending on January
23 31, 2020.

24 107. With respect to GHG emissions, the Draft Recirculated RSFEIR stated that if the Court of
25 Appeal were to reverse the Superior Court’s judgment upholding the FEIR’s GHG analysis, the City
26 would require the applicant to obtain GHG “offsets” as mitigation for the Project’s emissions.
27 However, the Draft Recirculated RSFEIR continued to rely on the Cap and Trade Program to
28

1 dismiss the significance of Project emissions, and it failed to include any new mitigation measures
2 requiring the purchase of GHG offsets.

3 108. As noted by public comments and agencies, including ARB and the Natural Resources
4 Agency, the Draft Recirculated RSFEIR's continued reliance on the Cap and Trade Program renders
5 its analysis unlawful. Comments also pointed out that the Draft Recirculated RSFEIR apparently
6 omitted any mitigation measure that would have required the applicant to offset the Project's GHG
7 emissions in the event the Court of Appeal struck down the FEIR's reliance on the Cap and Trade
8 Program.

9 109. Comments also pointed out that the Draft Recirculated RSFEIR failed to assess the Project's
10 consistency with local climate measures, policies, and plans. For example, reliance on GHG offsets
11 instead of VMT reductions created inconsistencies with the regional transportation plan, which the
12 Revised FEIR failed to address.

13 110. Comments also expressed serious concerns about Draft Recirculated RSFEIR's failure to
14 adequately analyze or mitigate the Project's significant and adverse impacts to air quality and human
15 health, including the Project's potentially severe DPM and GHG emissions impacts.

16 111. Comments also identified the Draft Recirculated RSFEIR's failure to disclose transportation
17 and energy related emissions, and to meaningfully analyze requirements that would mitigate the
18 harmful greenhouse gas and air quality impacts from this project.

19 ***3. The City's Response to Comments on the Revised Sections of the Final EIR and Draft***
20 ***Recirculated Revised Sections of the Final EIR***

21 112. In April 2020, the City published its Response to Comments on the Revised Sections of the
22 Final EIR and Draft Recirculated Revised Sections of the Final EIR ("Revised FEIR"). The
23 document introduced the text, for the first time, of newly proposed Mitigation Measure (MM)
24 4.7.7.1, a requirement that the developer purchase "offsets and/or carbon credits," the amount of
25 which would be either the "Total Uncapped" GHG emissions or "Project Emissions" from new
26 Table 4.7-16, depending on the outcome of the appeal in *Paulek*. The Revised FEIR asserts that
27 with the application of all previous mitigation measures and the new Mitigation Measure 4.7.7.1, the
28

1 WLC Project’s GHG emissions will be reduced to “net zero” and that they are, therefore, below the
2 threshold of significance.

3 113. Members of the public, including petitioners, again submitted comments objecting to the
4 Revised FEIR’s flawed analysis of impacts from GHGs and identifying numerous flaws in
5 Mitigation Measure 4.7.7.1.

6 ***4. The City’s Approval of the Revised Final EIR and Statement of Overriding***
7 ***Considerations, and its Reapproval of the Tentative Parcel Map and Development***
8 ***Agreement***

9 114. On May 14, 2020, the City posted an Additional Errata to the Revised Final EIR, which
10 includes, *inter alia*, edits to Mitigation Measure 4.4.6.3D requiring a relocation plan for burrowing
11 owls if relocation is necessary.

12 115. On May 14 and 15, 2020, the City’s Planning Commission considered and adopted
13 resolutions certifying the Revised Final EIR, approving a tentative parcel map for conveyance and
14 financing purposes, and recommending approval of a development agreement for the Project.

15 116. Petitioners filed timely appeals of the Planning Commission’s decisions regarding the
16 tentative parcel map and the Development Agreement to the City Council.

17 117. On June 12, 2020, the Fourth District Court of Appeal issued a published opinion,
18 invalidating a GHG mitigation measure that is functionally identical in material respects to
19 Mitigation Measure 4.7.7.1. *Golden Door Properties, LLC v. County of San Diego* (Cal. Ct. App, 4th
20 Dist. Div. 1 June 12, 2020) __ Cal.App.5th __, 2020 WL 3119041 [“*Golden Door Properties*”]. The
21 Court of Appeal found that a San Diego County mitigation measure relying on offsets purchased
22 from “ARB-approved” registries violated CEQA by, among other things, failing to ensure adequate
23 standards for offsets listed by carbon registries (including offsets from international sources), and
24 improperly deferring and delegating formulation of mitigation.

25 118. The City Council heard Petitioners’ appeals of the Planning Commission’s decisions and
26 held a hearing on the Development Agreement on June 16, 2020.

27 119. In preparation for the June 16, 2020 City Council hearing, the City posted, a few business
28 days before the meeting, a staff report in excess of 5,000 pages that included, among other things,

1 further revisions to MM 4.7.7.1. Those revisions removed the reference to *Paulek* and referred to
2 Table 4.7-16 as identifying the amount of emissions to be mitigated.

3 120. Following its June 16, 2020 hearing, by a 3-1-1 vote, the City Council denied Petitioners'
4 appeals of the Planning Commission's decisions, certified the Revised FEIR, and approved the
5 tentative parcel map. The development agreement for the Project received final approval on July 7,
6 2020.

7 **V. THE CITY COUNCIL'S CERTIFICATION OF THE REVISED FEIR AND**
8 **ASSOCIATED PROJECT APPROVALS VIOLATED CEQA**

9 121. In May 2020, the public submitted numerous comments that included significant new
10 information about the impacts of COVID-19 on communities exposed to elevated levels of air
11 pollution. This new information necessitates a Supplemental Revised FEIR. These concerns were
12 again raised and supported by additional expert studies in a May 26, 2020 appeal letter submitted to
13 the Planning Commission.

14 122. Commenters also noted the continuous changes in the Revised FEIR's GHG analysis and the
15 lack of opportunity for the public to comment on these changes. In particular, initially MM 4.7.7.1,
16 introduced for the first time in the Response to Comments on the Revised Sections of the Final EIR
17 and Draft Recirculated Revised Sections of the Final EIR, proposed that the Project's massive GHG
18 emissions be mitigated through "proof" of either "offsets" or "carbon credits." MM 4.7.7.1 also
19 required the City to "conclusively presume[]" that basic criteria required under the Health and Safety
20 Code are satisfied by any offset credit purchased from "a carbon registry approved by the California
21 Air Resources Board." Yet, the amount of GHGs to be mitigated was left undetermined, depending
22 on the outcome of *Paulek*.

23 123. To the extent MM 4.7.7.1 reflects a substitution of a "net zero" analysis for the previous
24 "capped emissions analysis," the Revised FEIR fundamentally changes how climate impacts are
25 disclosed, analyzed, and mitigated. Moreover, under any such changed analysis, environmental
26 impacts previously dismissed as less than significant would be considered significant under the
27 thresholds applied in the Revised FEIR; accordingly, the changes in the Revised FEIR reveal new
28

1 significant impacts. The City’s failure to recirculate the Revised FEIR is in violation of CEQA
2 Guidelines § 15088.5.

3 124. On June 11, 2020, the City released a document that removed the reference to *Paulek* in the
4 mitigation measure and referred to Table 4.7-16 as identifying the amount of emissions to be
5 mitigated. Then, on June 16, 2020, during the City Council hearing and after all opportunities for
6 public comment had closed, Petitioners are informed and believe and on that basis allege that the
7 City again modified MM 4.7.7.1.

8 125. Although the Revised FEIR proposed a new mitigation strategy in the form of MM 4.7.7.1, it
9 did not change the FEIR’s underlying analysis of the significance of the Project’s GHG emissions.
10 As a result, the Revised FEIR continues to rely improperly and unlawfully on the Cap and Trade
11 Program to dismiss the significance of all purportedly “covered” emissions.

12 126. The Revised FEIR must, therefore, be revised and recirculated. The EIR’s approach to
13 climate impacts and mitigation now consists entirely of revisions made after the Planning
14 Commission certified the Revised FEIR, which was only three working days before the City
15 Council’s hearing on an appeal of that certification. As a result, the Revised FEIR’s new approach to
16 climate change impacts and mitigation has never been circulated for public review and comment as
17 CEQA requires.

18 127. In addition, and in the alternative, the changes to the Revised FEIR rendered the EIR
19 incoherent and fundamentally inadequate as an informational document. The Revised FEIR adopted
20 an entirely different mitigation strategy without changing the EIR’s underlying analysis of the
21 Project’s GHG emissions, which remains unlawfully grounded in a legally and factually erroneous
22 misinterpretation of the Cap and Trade Program.

23 128. Commenters also noted that the Revised FEIR fails to meaningfully analyze requirements
24 that would mitigate the harmful greenhouse gas and air quality impacts from this Project. For
25 example, in response to the City of Moreno Valley’s April 2020 Final Environmental Impact Report,
26 the California Attorney General and the ARB jointly submitted comments pointing out that requiring
27 zero-emission trucks for the Project is feasible and is something ARB has long recommended. In
28

1 addition, commenters raised issues around the failure to include sufficient clean energy generation
2 such as solar power as a mitigation for emissions associated with this project.

3 **i. Greenhouse Gas (GHG) Emissions Impacts**

4 129. MM 4.7.7.1 is not fully enforceable through permit conditions, agreements, or other legally
5 binding instruments, in violation of CEQA Guidelines § 15126.4(a). The measure provides no
6 standards for the City’s Planning Official to use in determining whether such “offsets” are “real,
7 permanent, additional, quantifiable, verifiable, and enforceable” by a public agency, as required by
8 State standards. The measure also impermissibly defers and delegates mitigation in violation of
9 CEQA. Finally, the measure is inadequate and invalid under the *Golden Door Properties* opinion.

10 130. The public submitted comments explaining the inherent uncertainty in the success of offsets
11 and the failure of carbon credit protocols to result in one-to-one GHG reductions, ensure compliance
12 with additionality requirements, and other flaws.

13 131. Comments specifically pointed out that the offsets are not verifiable because the developer,
14 “in its sole discretion,” need only submit a copy of the relevant protocol, a verification report, and a
15 copy of the serial numbers pertaining to the credits, and nothing in the measure contemplates City
16 review of the protocol for consistency with purportedly applicable standards.

17 132. Additionally, comments noted that the measure fails to provide any performance standards
18 under which the City could evaluate whether the protocol ensures credits will be consistent with
19 state standards. Contrary to the City’s assertion that “net zero” is a “performance standard,” “net
20 zero” is merely a generalized goal that relies too heavily on “subjective” determinations of
21 adequacy.

22 133. Comments also identified the measure’s improper deferral and delegation of mitigation and
23 its lack of objective performance standards but also because it addresses emissions only after they
24 have occurred.

25 134. Moreover, comments noted that MM 4.7.7.1 is not adequately enforceable. Although
26 MM 4.7.7.1 purports to require that offset credits be “enforceable,” nothing in the measure provides
27 any authority for the City to hold a particular party liable and to take appropriate action if any of the
28

1 applicable regulations are violated. Additionally, the measure is not adequately enforceable because
2 nothing in MM 4.7.7.1 limits reliance on international offset projects listed by private registries.

3 135. Comments also identified the apparent limitation of the measure to 30 years, which not only
4 leaves significant Project emissions unmitigated but also jeopardizes the State's ability to meet its
5 long-term GHG emission goals.

6 136. Comments emphasized that despite the potentially significant impacts of MM 4.7.7.1, the
7 Revised FEIR fails to address these impacts in violation of CEQA Guidelines. For example,
8 although Project emissions for 2020 through 2023 would exceed the 10,000 MT CO₂e threshold in
9 each year, and thus would be significant before mitigation, the Revised FEIR fails to disclose and
10 analyze the significance of these impacts. In addition, the Revised FEIR failed to address foreseeable
11 impacts of using offset credits as mitigation, an evaluation which cannot be delegated to private
12 entities.

13 137. Comments also noted that the changes in analysis and new information associated with MM
14 4.7.7.1 revealed new significant impacts and/or more severe significant impacts than were
15 previously analyzed, and that the changes rendered the Revised FEIR's analysis as a whole
16 fundamentally and basically inadequate. The City failed to recirculate the Revised FEIR in light of
17 this significant new information as CEQA requires.

18 138. Comments reiterated that the Revised FEIR illegally disregards transportation and energy
19 related emissions.

20 139. Commenters also noted the Revised FEIR fails to meaningfully analyze requirements that
21 would mitigate the harmful greenhouse gas and air quality impacts from this project, including
22 requirements for use of trucks cleaner than the current commitment of trucks meeting 2010 emission
23 standards – a standard that would allow trucks 10 years or older to enter the project in perpetuity.
24 Several zero-emissions models are either available and/or will be increasingly available as this
25 project is built, including a forthcoming requirement from the ARB.
26

1 **ii. Biological impacts**

2 140. Comments expressed concern for the fact that the Revised FEIR’s biological impacts section
3 remains unlawful, for example, with respect to impacts on burrowing owls and other species.

4 141. Commenters expressed that the Revised FEIR failed to provide a cumulative analysis of the
5 Project’s impact on biological resources. Nearby projects, including the Village of Lakeview
6 housing development that will also impact the southern portion of the San Jacinto Wildlife Area, are
7 not included in the Revised FEIR’s analysis in violation of CEQA.

8 142. Commenters also expressed concerns that the Revised FEIR also claims, without providing
9 substantial evidence, 250-foot development setback is adequate protection for biological resources.
10 Numerous commenters raised negative edge effects from human activity, traffic, lighting, noise,
11 pollutants, invasive weeds, and increased fire frequency, which have been found to be biologically
12 significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems.
13 These negative edge effects were not fully analyzed nor mitigated in the Revised FEIR.

14 143. Commenters also expressed concerns about truck and vehicle traffic increases on Gilman
15 Springs Road and all roads adjacent to the San Jacinto Wildlife Area for both construction and
16 operation, which will increase anticipated wildlife “roadkill.” Commenters critiqued the Revised
17 FEIR’s failure to provide any analysis of the increase in wildlife injury and mortality that will occur
18 due to increased traffic. By failing to adequately analyze impacts from increased traffic on wildlife
19 injury and mortality, the Revised FEIR fails to also provide avoidance, minimization, and mitigation
20 measures. Under CEQA, “the public agency bears the burden of affirmatively demonstrating that,
21 notwithstanding a project’s impact on the environment, the agency’s approval of the proposed
22 project followed meaningful consideration.

23 144. Commenters also expressed concerns over the failure to have a compliant buffer between
24 buildings at the WLC site and hunting areas south of the project area, which violates California Fish
25 and Wildlife Code requirements.

26 **iii. Noise impacts**

27 145. Commenters noted that the Revised FEIR significantly weakened mitigation measures
28 designed to protect the public from noise pollution.

1 146. Commenters noted that mitigation measure 4.12.6.2A includes options that would eliminate
2 the need to install the on-site sound barrier if a vote by those affected fails to garner 50 percent
3 favorable votes or 100 percent favorable votes for a sound barrier placed on private property. These
4 two provisions were never considered in the original noise analysis nor do they seem to be fair to the
5 community due to the speculative nature of whether a sound barrier will be used or not. In addition,
6 the developer owns properties in those locations subject to the noise impacts and is entitled to a vote
7 on sound barrier installations.

8 147. Commenters noted that this mitigation measure poses vague and unclear obligations.

9 **iv. Failure as an informational document**

10 148. The Revised FEIR is a complex and incoherent web, comprising two revised versions: the
11 Revised Sections of the FEIR (RSFEIR) and the Draft Recirculated RSFEIR, and additional
12 important elements added in the Response to Comments and Errata, the most recent of which
13 occurred during the final City Council hearing after the close of any further opportunity to comment.
14 Further, the Revised FEIR relies on information from an invalidated EIR that was struck down in its
15 entirety by the Riverside County Superior Court. The many versions and amendments to the EIR
16 have rendered the its overall analysis incomprehensible. The public and decision-makers have not
17 been provided with sufficient information to participate meaningfully in the process or proceed with
18 rational decision-making. The Revised FEIR fails as an informational document.

19 **v. Failure to recirculate the Revised FEIR**

20 149. Commenters identified numerous changes in the Revised FEIR and other significant new
21 information that revealed new significant impacts, substantial increases in the severity of significant
22 impacts, feasible mitigation measures and alternatives, and fundamental and basic inadequacies in
23 the document. In addition, the Planning Commission failed to translate Spanish testimony for
24 planning commissioners. The City failed to recirculate the Revised FEIR prior to certification as
25 required by Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.
26
27
28

1 **FIRST CAUSE OF ACTION**

2 **(Violations of CEQA – Failure to Comply with CEQA’s requirements – Code of Civil**
3 **Procedure Section 1085, or 1094.5; Public Resources Section 21000 et seq.)**

4 150. Petitioners hereby re-allege and incorporate herein by reference the allegations contained in
5 the foregoing paragraphs.

6 151. The City has violated CEQA by certifying a legally deficient Revised FEIR and by approving
7 the tentative parcel map and development agreement without adequate environmental review.

8 152. Among other things, the City:

- 9 A. Failed to adequately evaluate the Project’s environmental impacts, and failed to
10 adequately respond to public comments concerning a variety of significant
11 environmental effects of the Project, including the Project’s direct, indirect, and
12 cumulative impacts. **(Pub. Res. Code §§ 21100(b), 21100(d), 21002.1, 21068,**
13 **21060.5, 21083(b)(2); CEQA Guidelines §§ 15126.2(a), 15130(a).)**

14 For example:

- 15 i. The Revised FEIR fails to adequately address the Project’s GHG
16 emissions. By outright dismissing the Project’s significant GHG
17 emissions, which the Revised FEIR concedes will be caused by the Project
18 and which far exceed the SCAQMD’s threshold levels of significance, the
19 Revised FEIR fails to comply with CEQA’s requirement that it “make a
20 good-faith effort, based to the extent possible on scientific, and factual
21 data, to describe, calculate, or estimate the amount of [GHG] emissions
22 resulting from a project.” (CEQA Guidelines § 15064.4 subsection (a).)
23 The Revised FEIR further fails to evaluate GHG emissions by failing to
24 consider, among others,: (1) the extent to which the project may increase
25 or reduce GHG emissions; (2) whether emissions exceed a threshold of
26 significance; and (3) the extent to which the project complies with
27 regulations or requirements adopted to implement statewide, regional, or
28 local plans to reduce GHG emissions. (CEQA Guidelines § 15064.4(b).)

- 1 ii. The Revised FEIR fails to adequately evaluate the incremental
2 significance of the Project’s increase in GHG emissions in and around the
3 City, throughout the County, the region and the State.
- 4 iii. The Revised FEIR fails to address and analyze the significance of the
5 Project’s traffic, public health and air quality impacts, as well as its
6 biological resources, including loss of agricultural lands, and wildlife
7 impacts.
- 8 iv. The Revised FEIR fails to properly analyze the Project’s impacts to
9 biological resources. Among numerous other flaws, the Revised FEIR
10 fails to adequately analyze the true scope of the Project’s impacts to
11 wildlife, sensitive habitats and plant and animal species. The Revised
12 FEIR also fails to adequately address comments that raised serious
13 concerns regarding the Project’s significant impacts to imperiled and/or
14 endangered species, such as the burrowing owl.

15 B. The City failed to re-circulate the Revised FEIR in light of significant new
16 information. (**Pub. Res. Code § 21092.1.**) Such significant new information includes,
17 but is not limited to, information about: the impacts of COVID-19 on communities
18 affected by heightened levels of air pollution; the substitution of a “net zero” analysis
19 for the previous “capped emissions analysis,” which not only reflected a fundamental
20 change in how climate impacts are disclosed, analyzed, and mitigated, but also
21 revealed significant impacts not disclosed or analyzed in the EIR and rendered the
22 EIR as a whole fundamentally and basically inadequate; the assumption, in the staff
23 report, that detention basins will provide adequate habitat for burrowing owls; and
24 information from the California Attorney General, the ARB, and Petitioners showing
25 that a requirement for electric trucks for the project is effective and feasible.

26 C. The City failed to consider, discuss, adopt, or analyze the effectiveness of adequate
27 mitigation measures to minimize the Project’s significant and detrimental impacts, or
28 otherwise improperly deferred mitigation necessary to minimize the Project’s

1 impacts. (**Pub. Res. Code § 21002.1(b); CEQA Guidelines §§ 15002(a)(3)**
2 **15021(a)(1), 15126.4.**) For example:

- 3 i. The Revised FEIR fails to analyze the impacts or effectiveness of MM
4 4.7.7.1.
- 5 ii. The Revised FEIR unlawfully relies on MM 4.7.7.1 as mitigation.
6 MM 4.7.7.1 fails to satisfy CEQA’s requirements for mitigation
7 measures because, among other things, it is insufficiently enforceable
8 and illegally defers and delegates mitigation necessary to address the
9 project’s significant GHG impacts.
- 10 iii. The Revised FEIR also fails to adopt or analyze the effectiveness of
11 adequate mitigation measures to address the Project’s significant
12 impacts to wildlife and biological resources.
- 13 iv. The Revised FEIR fails to include legally sound mitigation measures
14 for noise impacts associated with the Project.
- 15 v. The Revised FEIR fails to include feasible mitigation measures to
16 address significant air quality and GHG impacts, including advanced
17 clean truck technologies and enhanced solar requirements.

18 D. The City failed to base its findings, including the findings made in its Statement of
19 Overriding Considerations, on substantial evidence. Substantial evidence is defined as
20 “fact[s], [] reasonable assumption[s] predicated upon fact[s], or expert opinion
21 supported by fact [which] is not argument, speculation, unsubstantiated opinion or
22 narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or
23 economic impacts that do not contribute to, or are not caused by, physical impacts on
24 the environment.” (**Pub Res. Code § 21080(e); CEQA Guidelines § 15384.**) As
25 Petitioners and others noted in comments, the Revised FEIR fails to include adequate
26 support for its traffic assumptions, its GHG and other air emissions and air quality
27 assumptions, its overall impacts assessments and its statements regarding the benefits
28 of this Project. The conclusions reached in the Revised FEIR regarding the

1 significance of these and other impacts are not supported by substantial evidence in
2 the record. The City's CEQA findings are therefore unlawful and unsupported.

3 153. If the City and/or Does 1-20 inclusive and Real Parties in Interest, and/or Roes 21-40
4 inclusive are not enjoined from moving forward with permitting, constructing, and operating the
5 Project without an adequate Revised FEIR, and without complying with CEQA's environmental
6 review and evidentiary requirements, Petitioners will suffer irreparable harm from which there is no
7 plain, speedy, or adequate remedy at law unless this Court grants the requested writ of mandate.

8 154. By certifying the Revised FEIR and by approving a Statement of Overriding Considerations,
9 as well as by approving the tentative parcel map and Development Agreement in reliance on the
10 Revised FEIR and Statement of Overriding Considerations, the City and Does 1-20 inclusive have
11 committed a prejudicial abuse of discretion, failed to proceed in the manner required by law, and
12 acted without substantial evidentiary support.

13 **SECOND CAUSE OF ACTION**

14 **(Injunctive and Declaratory Relief Against Respondents and Real Parties in Interest)**

15 155. Petitioners hereby re-allege and incorporate herein by reference the allegations contained in
16 the foregoing paragraphs.

17 156. Petitioners have no plain, speedy, or adequate remedy at law. Unless enjoined, Respondents
18 and Real Parties will implement the Project despite its lack of compliance with CEQA. Petitioners
19 will suffer irreparable harm by Respondents' failure to take the required steps to protect the
20 environment and Real Parties' initiation of construction of the Project. Injunctive relief is
21 appropriate under Code of Civil Procedure § 525 *et seq.* and a writ of mandate is appropriate under
22 Code of Civil Procedure § 1085 *et seq.* and 1094.5 *et seq.* and under Public Resources Code §
23 21168.9, to prevent irreparable harm to the environment.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Petitioners pray for judgment as set forth below:

26 A. For a writ of mandate or peremptory writ issued under the seal of this Court pursuant
27 to Code of Civil Procedure 1094.5 or in the alternative 1085, and directing the City and/or Does 1-20
28 inclusive to:

- 1 1. Set aside and withdraw its adoption of City Council Resolution No. 2020-47,
2 certifying the Revised Final EIR for the Project, and to void the Revised Final
3 EIR for the Project;
- 4 2. Set aside and withdraw its adoption of City Council Resolution No. 2020-48,
5 approving the tentative parcel map for the Project;
- 6 3. Set aside and withdraw its adoption of Ordinance 967, approving the
7 Development Agreement for the Project; and
- 8 4. Refrain from granting any further approvals for the Project until the City's
9 Planning Department and the City Council comply fully with the requirements
10 of CEQA.

11 B. For a writ of mandate or peremptory writ issued under the seal of this Court pursuant
12 to Code of Civil Procedure 1094.5 or in the alternative 1085, and directing all Real Parties in Interest
13 and/or Roes 21-40 inclusive to:

- 14 1. Refrain from constructing and operating the Project until the City's Planning
15 Department and the City Council and other City entities comply fully with the
16 requirements of CEQA by voiding the approved Revised Final EIR for the
17 Project, setting aside and withdrawing all approvals issued in reliance on the
18 Revised Final EIR, and conducting a new environmental review process that
19 complies with CEQA's requirements as set forth herein.

20 C. For Petitioners' fees and costs, including reasonable attorneys' fees and costs, as
21 authorized by Code of Civil Procedure § 1021.5 and any other applicable provisions of law.

22 D. For such other legal and equitable relief as this Court deems appropriate and just.

23 DATED: July 17, 2020

Respectfully submitted,

24 

25 Adrian Martinez (State Bar No. 237152)
26 EARTHJUSTICE
27 707 Wilshire Blvd., Ste. 4300
28 Los Angeles, CA 90017
 Tel: (415) 217-2000

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*Attorneys for Petitioners and Plaintiffs Center for
Community Action and Environmental Justice, Center
for Biological Diversity, Coalition for Clean Air, Sierra
Club, and San Bernardino Valley Audubon Society.*

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VERIFICATION

I, Jean Kayano, hereby declare:

I am the Associate Director of the Center for Community Action and Environmental Justice, a non-profit corporation with offices in Jurupa Valley. The facts alleged in the above First Amended Petition are true to my personal knowledge and belief.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this verification is executed on this 17th day of July 2020 at Grand Terrace, California.



Jean Kayano

ATTACHMENT A



July 14, 2020

City of Moreno Valley
Attn: Mayor and City Council
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552

**Re: California Public Resources Code section 21167.5 Notice of Intent to File CEQA
Petition Challenging the Certification of the Revised Final Environmental Impact
Report for the World Logistics Center (State Clearinghouse No. 2012021045)**

Dear City Clerk:

Please be advised that as required under California Public Resources Code section 21167.5, the Center for Community Action and Environmental Justice, the Center for Biological Diversity, Coalition for Clean Air, the Sierra Club, and the San Bernardino Valley Audubon Society (collectively “Petitioners”) hereby provide notice through this correspondence of their intent to file a petition under the California Environmental Quality Act (“CEQA”) against the City of Moreno Valley (“Respondent”) and HF Properties, Sunnymead Properties, Theodore Properties Partners, 13451 Theodore LLC, HL Property Partners, and Highland Fairview (“Real Parties in Interest”). (*See* Pub. Res. Code § 21000, *et seq.*)

Petitioners seek to challenge the Revised Final Environmental Impact Report (“Revised FEIR”) for the World Logistics Center (State Clearinghouse No. 2012021045) that was heard on June 16, 2020 by Respondent. Petitioners will file this CEQA challenge based on the Revised FEIR’s failure to comply with CEQA requirements, including but not limited to the failure to adequately disclose or accurately evaluate environmental impacts, failure to adopt all feasible mitigation measures, adopted pursuant to improper procedures, and the failure to adequately consider cumulatively considerable impacts. For these and other reasons, the certified Revised FEIR is procedurally and substantively defective. In addition, Petitioners seek to challenge the Project approvals that flowed from the certification of the Revised FEIR, including but not limited to, the tentative parcel map, the development agreement, and other approvals.

Among other relief, Petitioners will request that the Court issue a writ of mandate to vacate the Revised FEIR certification and to compel the recirculation and preparation of an environmental impact report that conforms to CEQA requirements, in addition to vacating approvals relying upon the Revised FEIR. Additionally, Petitioners will seek costs and attorney’s fees. (*See* Cal. Civ. Pro. § 1021.5.)

Based on the reasons outlined above, Respondent should immediately vacate the certification of the Revised FEIR and engage in an appropriate CEQA review process.

Most respectfully,

A handwritten signature in black ink that reads "Adriano L. Martinez". The signature is written in a cursive style with a prominent flourish at the end.

Adriano L Martinez
Attorney for Petitioners

cc: Moreno Valley Community Development Department
Attn: Manuel Mancha
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552

Steve Quintanilla, Interim City Attorney
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552

PROOF OF SERVICE

I am a citizen of the United States of America and a resident of the City and County of Los Angeles; I am over the age of 18 years and not a party to the within entitled action; my business address is 707 Wilshire Blvd., Suite 4300, Los Angeles, California.

I hereby certify that on July 14, 2020, I served by U.S. first class mail and by electronic mail one true copy of the following document:

- Notice of Intent to File CEQA Petition Challenging the Certification of the Final Environmental Impact Report for the World Logistics Center on the parties listed below:

City of Moreno Valley
Attn: Mayor and City Council
Moreno Valley City Hall
P.O. Box 8805
Moreno Valley, CA 92552
cityclerk@moval.org

Moreno Valley Community Development
Department
Attn: Manuel Mancha
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552

Steve Quintanilla, Interim City Attorney
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552

I certify under penalty of perjury that the foregoing is true and correct. Executed on July 14, 2020 in Santa Monica, California.



Adriano L. Martinez