

**TEN DAY COUNCIL REPORT REGARDING THE TEMPORARY TEN (10) MONTHS
AND FIFTEEN (15) DAYS WAREHOUSE MORATORIUM ADOPTED AUGUST 15,
2022**

REGULATORY COMPLIANCE

Per Government Code Section 65858(d), ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance. This report titled “TEN DAY COUNCIL REPORT REGARDING THE TEMPORARY TEN (10) MONTH AND FIFTEEN (15) DAY WAREHOUSE MORATORIUM ADOPTED AUGUST 15, 2022” shall constitute the written report as required by Government Code Section 65858(d) and shall be issued and filed by the Council at least 10 days prior to the expiration of the ten (10) month and fifteen (15) day moratorium.

MEASURES TAKEN

During the City Council meeting of June 6, 2022, Staff prepared a discussion regarding a potential moratorium and other strategies to address cumulative impacts from warehousing development in the City of Pomona. Staff reported that due to high market demand, Pomona and the surrounding region is experiencing increased interest in the development and redevelopment of industrially zoned land. The warehousing demand, if fulfilled in Pomona without additional regulation, will likely increase impacts from truck traffic, poor warehouse design, and location to sensitive receptors. Staff identified four strategies for Council’s consideration to address the cumulative impacts from unprecedented warehousing demand in the region— 1) an immediate moratorium, 2) updating the City’s zoning code, 3) creating an Environmental Justice element in the General Plan, and 4) adopting a warehouse tax. The Council directed staff to initiate each of the four strategies identified.

Moratorium. On July 18, 2022, the Council adopted Urgency Ordinance No. 4319, establishing a 45-day moratorium on the establishment, expansion, or modification of Warehouses, Trucking Facilities, and related uses, city-wide in order to protect public health, safety, and welfare. By pausing future development and expansion of Warehouses and related uses, Staff is afforded a reasonable time frame in order to research and develop new standards as well as pursue the other recommended measures to properly address the impacts of these uses.

Moratorium, First Extension. On August 15, 2022, Council adopted Urgency Ordinance No. 4321, establishing a 10-month and 15-day moratorium thereby extending the original 45-day moratorium on the establishment, expansion, or modification of Warehouses, Trucking Facilities, and related uses, city-wide, in order to protect public health, safety, and welfare.

Moratorium, Second Extension. On June 5, 2023, Council will consider a second extension to the original 45-day moratorium. The second extension may be approved for a maximum term of up to one year, but may be approved for a shorter term at the discretion of the Council.

Zoning Code Update. The Planning Division is currently in the process of conducting a major update to the City's Zoning Code, which will include updates to provisions that regulate industrial uses, including warehouses, trucking facilities, and related uses. Through the code update process, Staff will establish development and operational standards for these uses to ensure they are properly regulated and their impacts are well managed and/or reduced. The update to the Zoning Code is estimated to be completed and effective by November 2023.

Environmental Justice Element. The Planning Division is pursuing the preparation of an Environmental Justice Element. An Environmental Justice Element will consider factors including, but not limited to, pollution and health determinants, and establish a set of policies and goals to guide the City in making decisions based upon principles such as the sustainability framework. Writing this element offers the City an opportunity to engage stakeholders who have long advocated for policies and goals to address cumulative environmental impacts and to draft policy that can meaningfully incorporate a set of environmental justice principles that can be incorporated into future city development.

Warehouse Tax. On August 1, 2022, the Council approved the placement of a special tax measure on the ballot at the November 8, 2022 General Municipal Election. The proposed special tax measure was anticipated to generate up to \$11 million annually to address much-needed road improvements due to the acceleration of road damage caused by heavy truck trips. However, the special tax measure was defeated at the ballot as it did not obtain the required 2/3 voter approval.