



CITY OF POMONA

COUNCIL REPORT

August 1, 2022

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director

SUBJECT: COUNCIL REPORT ON THE TEMPORARY 45 DAY MORATORIUM ADOPTED BY THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DESCRIBING THE MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF THE MORATORIUM, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858

RECOMMENDATION:

It is recommended that the City Council issue and file a Council Report (Attachment No. 1) to the public describing the City's measure to alleviate conditions that led to adoption of Urgency Ordinance No. 4319, establishing a temporary 45-day moratorium on the establishment, expansion, or modification of warehouses, trucking facilities, and related uses city-wide (Attachment No. 2).

EXECUTIVE SUMMARY:

On July 18, 2022, the Council adopted Urgency Ordinance No. 4319, establishing a temporary 45 day moratorium on the establishment, expansion, or modification of warehouses, trucking facilities, and related uses city-wide. 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. Staff has prepared and attached the written report as required by law (Attachment No. 2).

FISCAL IMPACT:

The issuance and filing of the written report will not result in any direct financial impact.

DISCUSSION:

On June 6, 2022, Staff facilitated a discussion with the Council regarding the impacts of Warehouse and other related uses (Attachment No. 3). The primary takeaways from the discussion

includes: 1) There is an unprecedented demand for Warehouse uses in the Inland Empire; 2) A majority of the City's census tracts are designated by the California Office of Environmental Health Hazard Assessment as disadvantage and burdened by the cumulative impact of pollutants; 3) The community has long advocated for addressing cumulative impacts in Pomona; 4) Due to the existing land use patterns in the City, the most likely locations for the establishment of new Warehouse uses is in-fill development which would impact existing neighborhoods and exacerbate already burdened census tracts; 5) The City's existing Zoning Ordinance offers limited environmental protection and limited development/design standards for new warehouse developments. Based on that discussion, Council directed Staff to pursue four (4) recommended strategies intended to address the cumulative impacts of Warehousing in Pomona:

1. Enact a Moratorium
2. Update the Pomona Zoning Code
3. Establish an Environmental Justice Element
4. Warehouse Tax

Enact a 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. On August 15, 2022, Council will consider a 10 month and 15 day extension to the 45 day moratorium.

Warehouse Tax. On August 1, 2022 the Council will consider the placement of a special tax measure on the ballot for the November 8, 2022 General Municipal Election. If approved by the 2/3 of the voters, the proposed tax would generate up to \$14 million annually to address much needed road improvements due to the acceleration of road damage caused by heavy truck trips.

Update the Pomona Zoning Code. 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 during the summer of 2023.

Establish an Environmental Justice Element. The Planning Division will also be 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.

COUNCIL PRIORITIES & GOALS:

This item supports the following 2021-2022 City Council priorities and goals:

Priority 2: Economic Development – Goal J: Encourage the development and maintenance of quality housing opportunities for all.

Priority 3: Safe and Clean Community – Goal M: Improve safety and cleanliness at parks and public spaces.

Priority 5: Infrastructure – Goal P: Improve condition of streets, alleys, and associated sidewalks.

Prepared by:

A handwritten signature in blue ink, consisting of a stylized 'V' followed by a horizontal line and a small loop.

Vinny Tam, AICP
Senior Planner

ATTACHMENT(S):

Attachment No. 1 – Ten Day Council Report

Attachment No. 2 – Urgency Ordinance No. 4319

Attachment No. 3 – City Council Staff Report dated June 6, 2022