



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Planning Commission

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File #: 21-1030  
Agenda #: PH-B

Agenda Date: 12/21/2021  
Category: Public Hearing

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**FROM:**  
Planning

**TITLE:**

Municipal Code Amendment (MCA) No. 21-001 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental qualities for warehouse (industrial commerce center) developments throughout the city.

**RECOMMENDATION:**

Based on the information contained in this staff report, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and, forward a recommendation to the City Council to:

1. Determine that the project is categorically exempt, respectively from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15061(B)(3) (the common-sense exemption) and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA; and,
2. Adopt an Ordinance approving Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article for "Industrial Commerce Centers Sustainability Standards" for warehouses throughout the city as shown in the Attachment No. 1 as referenced herein.

**APPLICANT:**  
City of Fontana  
8353 Sierra Avenue  
Fontana, CA 92335

**LOCATION:**  
Citywide

**REQUEST:**  
A Municipal Code Amendment (MCA) No. 21-003 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental qualities for warehouse (industrial commercial center) developments.

**PROJECT PLANNER:**  
Rina Leung, Senior Planner

## **I. BACKGROUND INFORMATION:**

The City of Fontana currently regulates warehouse development in Specific Plans and Chapter 30 of the Zoning and Development Code. In addition to city requirements, warehouse development and operators are required to comply with South Coast Air Quality Management District (SCAQMD), California Air Resources Board (CARB), and CALGreen requirements. Thus, the city, SCAQMD, CARB and CALGreen includes air quality improvement requirements and standards for warehouse developments and operators.

The City Council requested staff to research air quality improvement measures as it relates to warehouse development projects. The results of this research was presented at a September 14, 2021 joint Planning Commission and City Council workshop, which included the following:

- Summary of State and other agencies air quality improvement requirements currently implemented on warehouse projects.
- Routine conditions and air quality improvement measures implemented on warehouse projects beyond what the State and other agencies require.
- Staff recommendation for a new Ordinance, the "Industrial Commerce Centers Sustainability Standards Ordinance" that includes sustainability requirements for warehouse projects.

### **Objective/Purpose:**

Although the city currently implements air quality improvement and sustainable measures, the proposed Ordinance seeks to further improve air and environmental quality by creating a new Article (Industrial Commerce Centers Sustainability Standards) in Chapter 9 of the Municipal Code. This new section would include existing routine conditions and measures along with requiring new additional measures for warehouse (industrial commerce center) projects to improve air and environmental quality.

## **II. ANALYSIS:**

The City initiated Municipal Code Amendment (MCA) No. 21-001 ("Amendment") to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability standards for warehouses (industrial commerce centers) throughout the city that will include standardize requirements with the objective to improve air and environmental quality. The following is the summary of the new Article.

**Summary of Article V of Chapter 9.** The following is a brief summary of the standards that shall apply to all warehouse developments in the City of Fontana. A detailed comprehensive list of all the requirements is located in Exhibit A of the Planning Commission Resolution (Attachment No. 1):

- A. Solid screen buffering treatments (specifically, block walls or, solid walls and landscaping) are required between loading docks and truck courts adjacent to sensitive receptors.
- B. Trees shall be used as part of the solid screen buffering treatment. Trees shall be evergreen, drought tolerant, minimum 36-inch box, and shall be spaced at no greater than 40-feet on center.
- C. Anti-idling signs are required to be posted at warehouses to stipulate a 3-minute idling restriction.

- D. If physically possible, loading docks shall be oriented away from adjacent sensitive receptors.
- E. On-site stacking requirements for entry gates into the loading dock/truck court area shall be positioned after a minimum of 140 feet of available stacking depth inside the property line. The stacking distance shall be increased by 70 feet for every 20 loading docks beyond 50 docks.
- F. Facility operators are required to establish and enforce a truck routing plan to and from the State Highway System.
- G. Signs and drive aisle pavement markings are required to clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel. Signage to indicate off-site parking is strictly prohibited.
- H. Legible, durable, weather-proof signs are required at all truck exit driveways directing truck drivers to the truck route and State Highway System.
- I. Signs are required to be in public view with contact information for a designated representative of the building operator and SCAQMD to receive complaints about excessive dust, fumes, or odors on this site.
- J. On-site motorized operational equipment shall be NZE (near zero emission) which shall specifically exclude the use of any diesel-powered equipment.
- K. All building roofs are required to be solar-ready.
- L. On buildings over 400,000 square feet, rooftop solar panels shall be installed to cover at least 30% of the rooftop area or in such a manner that they will supply 100% of the power needed to operate all non-refrigerated portions of the building.
- M. Passenger vehicle EV parking spaces and charging station accommodation are required to be installed at 10% of all required passenger car parking spaces and 5% active prior to the approval of the Certificate of Occupancy.
- N. Electric plug-in technology is required for transport refrigeration units ("TRUs") at loading docks servicing chilled, cooled, or freezer space unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space.
- O. Bicycle racks are required on all new projects, including electric plugs to charge electric bikes.
- P. Cool surface treatments (i.e solar-reflective cool pavement) shall be added to drive aisles and parking areas.
- Q. Requirements for oversized electrical rooms.
- R. Requirements for low VOC paints.

- S. Requirements for facility operators to incorporate a recycling program.
- T. The following environmentally-responsible construction practices are required:
  - 1) Use of most readily available highest rated CARB Tier technology during construction.
  - 2) Use of electric-powered hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors.
  - 3) Designate an area of the construction site where electric-powered construction vehicles and equipment can charge if the utility provider can feasibly provide temporary power for this purpose.
  - 4) Site plans are required to identify a planned location for future electric truck charging stations and install conduit to that location.
- U. A Property Maintenance Program is required for all warehouse developments.
- V. Property owner shall provide facility operator with information on incentive programs such as the Carl Moyer Program and Voucher Incentive Program and shall require all facility operators to enroll in the United States Environmental Protection Agency's SmartWay Program and to use carriers that are SmartWay carriers.

**Environmental Review Finding:**

This project is exempt per the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15061(B)(3) (the common-sense exemption) and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, as implementation of this Ordinance is to improve the environment. An Exemption Memorandum has been prepared for this project and included in the staff report as Attachment No. 2.

**MOTION:**

Approve staff's recommendation.

**ATTACHMENTS:**

1. Planning Commission Resolution
2. Exemption Memorandum
3. Notice of Exemption
4. Public Hearing Notice
5. Public Comment E-mail from Mr. Lee

RESOLUTION PC NO. 2021-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING MUNICIPAL CODE AMENDMENT (MCA) NO. 21-001 AMENDING CHAPTER 9 OF THE MUNICIPAL CODE TO ADD ARTICLE V TO SUSTAINABILITY STANDARDS TO IMPROVE AIR AND OTHER ENVIRONMENTAL QUALITY FOR (WAREHOUSE) INDUSTRIAL COMMERCIAL CENTER DEVELOPMENTS THROUGHOUT THE CITY**

**WHEREAS**, the City of Fontana wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

**WHEREAS** notices required by statute of the Fontana City Code have been given as required; and

**WHEREAS**, on or about May 7, 2021, the governing board of the South Coast Air Quality Management District ("SCAQMD") adopted Rule 2305, the Warehouse Indirect Source Rule ("Rule 2305"); and

**WHEREAS**, Rule 2305 requires warehouses greater than 100,000 square feet to directly reduce nitrogen oxide and diesel particulate matter emissions, or to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities; and

**WHEREAS**, SCAQMD has also adopted Rule 402 prohibiting emissions that cause injury and/or annoyance to a substantial number of people, including odors; Rule 403 requiring dust control measures during construction; Rule 1113 requiring the use of low Volatile organic compounds ("VOC") paints and coatings; Rule 1186 requiring use of SCAQMD certified street sweepers; and Rule 2202 requiring establishment of rideshare programs for facilities employing more than 250 employees; and

**WHEREAS**, the California Air Resources Board ("CARB") adopted Rule 2485 restricting diesel engine idling to five minutes or less; and

**WHEREAS**, California Building Standards Commission adopted Part 11, Title 24 of the California Code of Regulations, known as CALGreen, which generally require low energy use features, low water use features, all-electric vehicle ("EV") parking spaces and charging facility accommodation, carpool/vanpool parking spaces, and short-term and long-term bicycle parking facilities; and

**WHEREAS**, the City currently regulates warehouses (industrial commerce center) development in Specific Plans and Chapter 30 of the Zoning and Development Code; and

**WHEREAS**, the City Council requested staff to research air quality improvement and other measures related to warehouse (industrial commerce center) development projects; and

**ATTACHMENT NO. 1**

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**WHEREAS**, on September 14, 2021, the results of the requested research were presented at a joint Planning Commission and City Council workshop; and

**WHEREAS**, the City desires to impose air and other environmental quality sustainability measures, and standardize the requirements concerning such standards for all warehouse (industrial commerce center) developments; and

**WHEREAS**, the Planning Commission finds that the proposed amendment to the Municipal Code is to protect and preserve the aesthetics in the community and promote the health, safety, and general welfare of the public and improve air and environmental quality and it is consistent with the General Plan and furthers Action B of Goal 3 in Chapter 12 to promote renewable energy programs for government, Fontana businesses, and Fontana residences; and

**WHEREAS**, a notice of the public hearing was published in the local *Fontana Herald* newspaper on Friday, December 10, 2021 and posted at City Hall; and

**WHEREAS**, the Planning Commission carefully considered all information pertaining to the proposed Municipal Code Amendment, including the staff report, and all the information, evidence, and testimony presented at its public hearing on December 21, 2021; and

**WHEREAS**, the Planning Commission finds that the proposed amendment to the Municipal Code (Exhibit "A") to amend Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental quality for warehouse (industrial commercial center) developments throughout the city will promote the public health, safety, and general welfare of the public; and

**WHEREAS**, all other legal prerequisites to the adoption of this resolution have occurred.

**NOW, THEREFORE, the Commission RESOLVES as follows:**

**Section 1. Recitals.** The above recitals are incorporated herein by reference.

**Section 2.** Based on the foregoing, the Planning Commission hereby recommends that the City Council determine the project categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(B)(3) (the common-sense exemption) and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, as implementation of this Ordinance is to improve the environment.

**Section 3.** That the Planning Commission hereby recommends that the City Council approves Municipal Code Amendment (MCA) No. 21-001 (Exhibit "A") to amend Chapter 9 of the Municipal Code to add Article V to establish air and other environmental quality

Resolution PC No. 2021-\_\_\_\_\_

improvement sustainability standards for warehouses (industrial commerce centers) throughout the city, as referenced herein.

**Section 4. Regarding Custodian of Record:** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

**Section 5.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 21<sup>st</sup> day of December 2021.

**City of Fontana**

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Cathline Fort, Chairperson

**ATTEST:**

I, Idilio Sanchez, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 21<sup>st</sup> day of December 2021, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Idilio Sanchez, Secretary

**Article V of Chapter 9 of the Municipal Code:**

**ARTICLE V. – Industrial Commerce Centers Sustainability Standards**

**Sec. 9-70. – Applicability.**

This Article is applicable to all Warehouse uses throughout the city, as defined in Section 30-12 of Chapter 30, Article 1, Division 4; and as listed as a type of "Warehousing Use" in Table No. 30-530 and includes all warehouse uses in Specific Plans. The following sections shall supersede any existing requirements in the Municipal Code and Specific Plans.

**Sec. 9-71. – Buffering and Screening / Adjacent uses.**

- A. For any Warehouse larger than 50,000, a ten-foot-wide landscaping perimeter buffer shall be required when adjacent to any sensitive receptors. The perimeter buffer area shall include, at a minimum, a solid decorative wall(s) of at least ten feet in height and solid screen buffering trees, as described below. For any Warehouse building equal to or less than 50,000 square feet in size, a solid decorative wall(s) of at least ten feet in height shall be required when adjacent to any sensitive receptors. Sensitive receptor shall be defined as any residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, prisons, and dormitories.
- B. Trees shall be used as part of the solid screen buffering treatment. Trees used for this purpose shall be evergreen, drought tolerant, minimum 36-inch box, and shall be spaced at no greater than 40-feet on center. The property owner shall maintain these trees for the duration of ownership, ensuring any unhealthy or dead trees are replaced timely as needed.
- C. If physically possible, loading docks shall be oriented away from adjacent sensitive receptors.

**Sec. 9-72. – Signage and Traffic Patterns.**

- (1) Entry gates into the loading dock/truck court area shall be positioned at a minimum of 140 feet inside the property line. The stacking distance shall be increased by 70 feet for every 20 loading docks beyond 40 docks. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to an industrial commerce facility is strictly prohibited. Applicants shall submit to the Engineering Department, and obtain approval of, all turning templates to verify truck turning movements at entrance and exit driveways and street intersection adjacent to industrial

## EXHIBIT A

buildings prior to entitlement approval. Unless not physically possible, truck entries shall be located on Collector Streets (or streets of a higher commercial classification).

- (2) Anti-idling signs indicating a 3-minute idling restriction shall be posted at industrial commerce facilities along entrances to the site and in the dock areas and shall be strictly enforced by the facility operator.
- (3) Facility operators shall establish and enforce a truck routing plan to and from the State Highway System based on the City's latest Truck Route Map. The plan shall describe the operational characteristics of the proposed use, including, but not limited to, hours of operations, numbers of employees, types of items to be stored within the building, and proposed truck routing to and from the facility to designated truck routes that avoids passing residential and educational uses, to the greatest extent physically possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. A speculative project for which no operator has been identified shall base its truck routing plan on an Institute of Transportation Engineers (11th Generation) designation of ITE Code 150.
- (4) Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.
- (5) Facility operators shall post signs in prominent locations inside and outside of the building indicating that off-site parking for any employee or operation related vehicle is strictly prohibited.
- (6) Legible, durable, weather-proof signs shall be installed at all truck exit driveways directing truck drivers to the truck route and State Highway System.
- (7) Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes, or odors on this site, as well as contact information for the SCAQMD's on-line complaint system and its complaint call-line: 1-800-288-7664.

### **Sec. 9-73. – Alternative Energy.**

- (1) On-site motorized operational equipment shall be ZE (zero emission).
- (2) All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the

## EXHIBIT A

installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.

- (3) On buildings over 400,000 square feet, rooftop solar panels shall be installed to cover at least 30% of the rooftop area or in such a manner that they will supply 100% of the power needed to operate all non-refrigerated portions of the building.
- (4) Not less than 10% of all required passenger vehicle parking spaces shall be electric vehicle (EV) ready, with all necessary conduit and related appurtenances installed. Not less than 5% of all required passenger vehicle parking spaces shall be EV ready, with working charging stations installed and operational, prior to building occupancy.
- (5) Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space, a conduit shall be installed during construction of the building shell from the electrical room to 50% of the loading dock doors that have potential to serve the refrigerated space. When tenant improvement building permits are issued for any refrigerated warehouse space, electric plug-in units shall be installed at every dock door servicing the refrigerated space to allow transport refrigeration units to plug in.
- (6) Bicycle racks are required per Section 30-714 and in the amount required for warehouse uses by Table 30-7124 of the Zoning and Development Code. The racks shall include electric plugs to charge electric bikes.

### Sec. 9-74. – Operation and Construction.

- (1) Cool surface treatments shall be added to drive aisles and parking areas or such areas shall be constructed with a solar-reflective cool pavement.
- (2) To ensure that warehouse electrical rooms are sufficiently sized to accommodate the potential need for additional electrical panels, either a secondary electrical room shall be provided in the building, or the primary electrical room shall be sized 25% larger than is required to satisfy the service requirements of the building.
- (3) Use of low VOC paints shall be required.
- (4) The facility operator shall incorporate a recycling program.
- (5) The following environmentally responsible practices shall be required during construction:

**EXHIBIT A**

- a. The applicant shall use reasonable best efforts, as determined by the Planning Director, to deploy the highest rated CARB Tier technology that is available at the time of construction. Prior to permit issuance, the construction contractor shall submit an equipment list confirming equipment used is compliant with the highest CARB Tier at the time of construction. Equipment proposed for use that does not meet the highest CARB Tier in effect at the time of construction, shall only be approved for use at the discretion of the Planning Director.
- b. Use of electric-powered hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors.
- c. Designation of an area in any construction site where electric-powered construction vehicles and equipment can charge if the utility provider can provide temporary power for this purpose.
- d. Identification in site plans of a location for future electric truck charging stations and installation of a conduit to that location.

(6) A Property Maintenance Program shall be submitted for review and approval by the Planning Director or his/her designee prior to the issuance of building permits. The program shall provide for the regular maintenance of building structures, landscaping, and paved surfaces in good physically condition, and appearance. The methods and maximum intervals for maintenance of each component shall be specified in the program.

(7) Property owner shall provide facility operator with information on incentive programs such as the Carl Moyer Program and Voucher Incentive Program and shall require all facility operators to enroll in the United States Environmental Protection Agency's SmartWay Program and to use carriers that are SmartWay carriers.

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# INDUSTRIAL COMMERCE CENTERS SUSTAINABILITY STANDARDS ORDINANCE

California Environmental Quality Act (CEQA)  
Sections 15061(B)(3), 15307, and 15308  
Exemption Memorandum  
MCA No. 21-001

## INTRODUCTION

The City of Fontana, the Lead Agency, is initiating a Municipal Code Amendment No. 21-001, which would amend Chapter 9 of the Municipal Code to add Article V to establish conditions, regulations, and standards to require sustainability measures for warehouse (industrial commerce center) developments throughout the city. The proposed Municipal Code Amendment is exempt from environmental review pursuant to State CEQA Guidelines Sections 15061(B)(3), 15307, and 15308, which are further described below.

### PURPOSE OF NOTICE OF EXEMPTION

Article 19 of the California Environmental Quality Act (CEQA) Guidelines includes, as required by Public Resources Code Section 21084, a list of classes of projects which have been determined not to have a significant effect on the environment. This document demonstrates that the proposed project qualifies for at least three independent CEQA Exemptions. Each exemption on its own would exempt the whole of the project from environmental review.

### PROPOSED PROJECT

The City initiated Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for all industrial commercial center developments throughout the city.

The proposed Ordinance for Municipal Code Amendment (MCA) No. 21-001 includes additional sustainability requirements and standards that are intended to impose air and other environmental quality improvement measures, and standardize the requirements concerning such improvement measures with regard to warehouse (industrial commercial center) developments.

All discretionary processes remain in place with regard to Administrative Site Plan and Design Review in Article II of Chapter 30 and in the applicable Specific Plans throughout the City that allows for the establishment of appropriate conditions of approval and mitigation measures.

The following is the summary of the new Article that includes sustainability measures requirements for industrial commerce center developments:

#### **Buffering and Screening / Adjacent uses.**

- (1) For any Warehouse larger than 50,000, a ten-foot-wide landscaping perimeter buffer shall be required when adjacent to any sensitive receptors. The perimeter buffer area shall include, at a minimum, a solid decorative wall(s) of at least ten feet in height and solid screen buffering

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trees, as described below. For any Warehouse building equal to or less than 50,000 square feet in size, a solid decorative wall(s) of at least ten feet in height shall be required when adjacent to any sensitive receptors. Sensitive receptor shall be defined as any residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, prisons, and dormitories.

- (2) Trees shall be used as part of the solid screen buffering treatment. Trees used for this purpose shall be evergreen, drought tolerant, minimum 36-inch box, and shall be spaced at no greater than 40-feet on center. The property owner shall maintain these trees for the duration of ownership, ensuring any unhealthy or dead trees are replaced timely as needed.
- (3) If physically possible, loading docks shall be oriented away from adjacent sensitive receptors.

#### **Signage and Traffic Patterns.**

- (1) Entry gates into the loading dock/truck court area shall be positioned at a minimum of 140 feet inside the property line. The stacking distance shall be increased by 70 feet for every 20 loading docks beyond 40 docks. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to an industrial commerce facility is strictly prohibited. Applicants shall submit to the Engineering Department, and obtain approval of, all turning templates to verify truck turning movements at entrance and exit driveways and street intersection adjacent to industrial buildings prior to entitlement approval. Unless not physically possible, truck entries shall be located on Collector Streets (or streets of a higher commercial classification).
- (2) Anti-idling signs indicating a 3-minute idling restriction shall be posted at industrial commerce facilities along entrances to the site and in the dock areas and shall be strictly enforced by the facility operator.
- (3) Facility operators shall establish and enforce a truck routing plan to and from the State Highway System based on the City's latest Truck Route Map. The plan shall describe the operational characteristics of the proposed use, including, but not limited to, hours of operations, numbers of employees, types of items to be stored within the building, and proposed truck routing to and from the facility to designated truck routes that avoids passing residential and educational uses, to the greatest

extent physically possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. A speculative project for which no operator has been identified shall base its truck routing plan on an Institute of Transportation Engineers (11th Generation) designation of ITE Code 150.

- (4) Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.
- (5) Facility operators shall post signs in prominent locations inside and outside of the building indicating that off-site parking for any employee or operation related vehicle is strictly prohibited.
- (6) Legible, durable, weather-proof signs shall be installed at all truck exit driveways directing truck drivers to the truck route and State Highway System.
- (7) Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes, or odors on this site, as well as contact information for the SCAQMD's on-line complaint system and its complaint call-line: 1-800-288-7664.

#### **Alternative Energy.**

- (1) On-site motorized operational equipment shall be ZE (zero emission).
- (2) All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.
- (3) On buildings over 400,000 square feet, rooftop solar panels shall be installed to cover at least 30% of the rooftop area or in such a manner that they will supply 100% of the power needed to operate all non-refrigerated portions of the building.
- (4) Not less than 10% of all required passenger vehicle parking spaces shall be electric vehicle (EV) ready, with all necessary conduit and related appurtenances installed. Not less than 5% of all required passenger vehicle parking spaces shall be EV ready, with working charging stations installed and operational, prior to building occupancy.

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- (5) Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space, a conduit shall be installed during construction of the building shell from the electrical room to 50% of the loading dock doors that have potential to serve the refrigerated space. When tenant improvement building permits are issued for any refrigerated warehouse space, electric plug-in units shall be installed at every dock door servicing the refrigerated space to allow transport refrigeration units to plug in.
- (6) Bicycle racks are required per Section 30-714 and in the amount required for warehouse uses by Table 30-7124 of the Zoning and Development Code. The racks shall include electric plugs to charge electric bikes.

#### **Operation and Construction.**

- (1) Cool surface treatments shall be added to drive aisles and parking areas or such areas shall be constructed with a solar-reflective cool pavement.
- (2) To ensure that warehouse electrical rooms are sufficiently sized to accommodate the potential need for additional electrical panels, either a secondary electrical room shall be provided in the building, or the primary electrical room shall be sized 25% larger than is required to satisfy the service requirements of the building.
- (3) Use of low VOC paints shall be required.
- (4) The facility operator shall incorporate a recycling program.
- (5) The following environmentally responsible practices shall be required during construction:
  - a. The applicant shall use reasonable best efforts, as determined by the Planning Director, to deploy the highest rated CARB Tier technology that is available at the time of construction. Prior to permit issuance, the construction contractor shall submit an equipment list confirming equipment used is compliant with the highest CARB Tier at the time of construction. Equipment proposed for use that does not meet the highest CARB Tier in effect at the time of construction, shall only be approved for use at the discretion of the Planning Director.

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- b. Use of electric-powered hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors.
- c. Designation of an area in any construction site where electric-powered construction vehicles and equipment can charge if the utility provider can provide temporary power for this purpose.
- d. Identification in site plans of a location for future electric truck charging stations and installation of a conduit to that location.

(6) A Property Maintenance Program shall be submitted for review and approval by the Planning Director or his/her designee prior to the issuance of building permits. The program shall provide for the regular maintenance of building structures, landscaping, and paved surfaces in good physically condition, and appearance. The methods and maximum intervals for maintenance of each component shall be specified in the program.

(7) Property owner shall provide facility operator with information on incentive programs such as the Carl Moyer Program and Voucher Incentive Program and shall require all facility operators to enroll in the United States Environmental Protection Agency's SmartWay Program and to use carriers that are SmartWay carriers.

## EXEMPTION EXPLANATION

The proposed City-initiated Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability requirements for industrial commerce center developments throughout the City is a project as defined by Section 15378 of the CEQA Guidelines. As required by Section 15061(b) of the CEQA Guidelines, the City evaluated the proposal to determine if the project is exempt from CEQA. A project may be exempt if any one of the following criteria is met:

(1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).

*There are no applicable statutory exemptions that would apply to the proposed project.*

(2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.

Section 15307 (Class - 7 Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Class 8 - Actions by Regulatory Agencies for Protection of the Environment) concerning actions taken to maintain, restore, or enhance a natural resource, and actions taken to ensure the maintenance, restoration, enhancement, or protection of the environment, apply here as the proposed project would result in more restrictive development standards and operational requirements for industrial commerce center developments by requiring items such as: perimeter buffers comprised of walls and landscaping, additional vehicle queuing in dock area, signage, reduction of allowed idling times to three (3) minutes for trucks, truck routing plans, and additional alternative energy improvements. Alternative energy requirements include the following: ZE (zero emission) equipment, solar ready roofs, building over 400,000 square feet to install roof top solar, some passenger vehicle parking spaces shall incorporate electric charging stations, installation of conduit and electric plug-in units at dock doors to accommodate transport refrigeration units to plug-in for refrigeration users, and bicycle racks to have electric plugs to charge bikes. For more detailed information, a comprehensive list is included in the previous section. Further no relaxation of current development requirements is proposed.

Although the installation of walls, landscaping, and solar panels, or other required sustainability features may involve minor additional activities, this work is ancillary in nature to, and will be installed with, the primary structure and other associated improvements. Also, the required sustainability measures; such as utilizing the highest rated CARB tiered technology equipment along will further reduce any potential installation impacts.

The implementation of alternative energy requirements for industrial commerce centers, as outlined in the Ordinance, will provide a renewable electric resource for development and reduce dependence on non-renewable electric resources. Further, the new regulations as they relate to signage, parking, access, and onsite/offsite circulation would lessen potential emission and vehicle impacts relating to queuing and ensure that vehicles can reach arterial streets, truck routes, and freeways efficiently by traveling as few miles as possible while avoiding residential and educational uses.

The new queuing standards would help keep trucks from backing up onto public streets, and prohibit trucks from circling in public streets, which will reduce public safety issues and improve air quality.

Finally, requiring the installation of electric vehicle charging infrastructure will encourage and enable the use of electric vehicles, reducing Green House Gas emissions. Therefore, the sustainability requirements overall would impose greater limitations on industrial commercial centers development than exist today thus serving to maintain, restore, or enhance a natural resource, and to ensure the maintenance, restoration, enhancement, or protection of the environment.

(3) The activity is covered by the common-sense exemption in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential

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for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

*The proposed project Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for industrial commerce centers developments throughout the City would overall impose greater limitations on industrial commerce center development than exist today, and will function to impose air and other environmental quality improvement measures, and standardize the requirements concerning such improvement measures as discussed in the above Section 2 discussion. This proposed Ordinance does not change building heights, floor area ratio requirements, or lighting requirements. However, it will include additional screening requirements, enhance landscaping by requiring larger trees, impose alternative energy requirements to improve environmental quality and reducing potential impacts. Further, all projects involving the construction of an industrial commerce center will continue to be subject to an Administrative Site Plan/Design Review, where a project-specific analysis based on location and project details will be conducted, subject to CEQA review/documentation. Therefore, all industrial commerce center projects will be subject to CEQA, standard Conditions of Approval, and all other State/Federal/Local requirements.*

(4) The project will be rejected or disapproved by a public agency.

*City staff is recommending approval of the proposed project.*

(5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.

*The proposed industrial commerce center sustainability standards do not include any agricultural housing, affordable house, and residential infill components.*

## EXCEPTIONS FOR EXEMPTIONS

In addition to investigating the applicability of CEQA Guidelines, this CEQA document also assesses whether any of the exceptions to qualifying for the categorical exemption are present. The following analysis compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the project.

**Criterion 15300.2(a): Location:** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

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*The City is not recommending finding the proposed Industrial Commerce Center Suitability Standards Ordinance project exempt under Classes 3, 4, 5, 6 or 11. Therefore, the exception under criterion 15300.2(a) is not applicable.*

**Criterion 15300.2(b): Cumulative Impact:** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

*As discussed previously, the project is for a Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for industrial commerce centers developments throughout the City is consistent with the General Plan and does not change any of the Land Use Designation of any properties. Furthermore, the proposed project would result in more restrictive development standards and operational requirements for industrial commerce center developments by requiring items such as: perimeter buffers comprised of walls and landscaping, additional vehicle cueing in dock area, signage, reduction of allowed idling times to three (3) minutes for trucks, truck routing plans, and additional alternative energy improvements. Each of these components, individually and cumulatively does not result in the possibility of creating significant to cumulative effects on the environment. As described in the above sections, construction of any industrial commerce center buildings will be subject to discretionary planning entitlements with separate CEQA review and documentation. Therefore, the exception under CEQA Guidelines Section 15300.2 (b) does not apply to the project.*

**Criterion 15300.2(c): Significant Effects:** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

*There are no known unusual circumstances that are applicable to the project that may result in a significant effect on the environment. The proposed project consists of Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for industrial commerce centers developments throughout the City. The project is consistent with the General Plan and furthers Action B of Goal 3 in Chapter 12 to promote renewable energy programs for government, Fontana businesses, and Fontana residences. Therefore, the exception under CEQA Guidelines Section 15300.2(c) does not apply to the project.*

**Criterion 15300.2(d): Scenic Highways:** Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

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*The proposed project consists of Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for industrial commerce centers developments throughout the City. The City of Fontana does not have any properties designated as a scenic highway corridor. Therefore, the exception under CEQA Guidelines Section 15300.2(d) does not apply to the project.*

**Criterion 15300.2(e): Hazardous Waste Sites:** Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

*The project is for a Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for industrial commerce centers developments throughout the City. As described in the above sections, all projects involving the construction of industrial commerce centers will continue to be subject to an Administrative Site Plan/Design Review, where a project-specific analysis based on location and project details will be conducted and subject to a separate CEQA documentation that includes a review of Section 65962.5 of the Government Code. No project located on a site which is included on any list compiled pursuant to Section 65962.4 of the Government Code would be approved pursuant to this Municipal Code Amendment. Therefore, the exception under CEQA Guidelines Section 15300.2(e) does not apply to the project.*

**Criterion 15300.2(f): Historical Resources:** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resources.

*Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 (Environmental Protection and Resource Extraction) of the Municipal Code to add a new Article to establish sustainability measures requirements for industrial commerce centers developments throughout the City. As described in the above sections, all projects involving the construction of industrial commerce centers will continue to be subject to an Administrative Site Plan/Design Review, where a project-specific analysis based on location and project details will be conducted and subject to a separate CEQA documentation where a review of historical resources will be conducted. No project which may cause a substantial adverse change in the significance of historical resources would be approved pursuant to this Municipal Code Amendment. Therefore, the exception under CEQA Guidelines Section 15300.2(f) does not apply to the project.*

## NOTICE OF EXEMPTION

PTO: Clerk of the Board of Supervisors  
County of San Bernardino  
385 N. Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130

FROM: City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

1. Project Title: Municipal Code Amendment (MCA) No. 21-001 to Establish Sustainability Standards to Improve Air and Environmental Quality for Warehouse (Industrial Commercial Center) Developments Throughout the City

2. Project Location - Specific: Citywide

3. (a) Project Location - City: Fontana

(b) Project Location - County: San Bernardino

4. Description of nature, purpose, and beneficiaries of Project: Municipal Code Amendment (MCA) to amend Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and environmental quality that includes buffering and screening requirements, regulations for signage, methods to improve traffic circulation, requirements for alternative energy, and improvements to operations and construction as it relates to (warehouse) industrial commercial center developments throughout the city.

5. Name of Public Agency approving project: City of Fontana

6. Name of Person or Agency carrying out project: City of Fontana

7. Exempt status: (Check one)

(a)  Ministerial project.

(b)  Not a project.

(c)  Emergency Project.

(d)  Categorical Exemption. State type and class number Sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section No. 3.22 of the Local 2019 Guidelines for Implementing the CEQA.

(e)  Declared Emergency.

(f)  Statutory Exemption. State Code section number: \_\_\_\_\_

(g)  Other. Explanation: 15061(B)(3) (the common-sense exemption)

Reason why project was exempt: The Ordinance includes additional more restrictive standards for (warehouse) industrial commercial center developments to improve environmental quality and does not include the construction of any structures. All new projects involving construction of warehouses (industrial commercial centers) will continue to be subject to an Administrative Site Plan/Design Review, where a project-specific analysis based on location and project details will be conducted, subject to CEQA review/documentation. Therefore, all industrial commerce center projects will be subject to CEQA, standard Conditions of Approval, and all other State/Federal/Local requirements.

8. Contact Person: Rina Leung, Senior Planner Telephone: (909) 350-6566

Date Received for Filing:

DiTanyon Johnson  
Principal Planner

(Clerk Stamp Here)

**ATTACHMENT NO. 3**



## NOTICE OF PUBLIC HEARING

*SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.*

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Department by calling (909) 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

**Municipal Code Amendment (MCA) No. 21-001 to Establish Sustainability Standards to Improve Air and Environmental Quality for (Warehouse) Industrial Commercial Center Developments Throughout the City**

Municipal Code Amendment (MCA) No. 21-001 to amend Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and environmental quality that includes buffering and screening requirements, regulations for signage, methods to improve traffic circulation, requirements for alternative energy, and improvements to operations and construction as it relates to (warehouse) industrial commercial center developments throughout the city. Planning Commission will review and forward a recommendation to the City Council for the proposed project.

**Environmental Determination:** This project qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(B)(3) (the common-sense exemption) and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, as implementation of this Ordinance is to improve the environment.

**Location of Property:** Citywide

**Date of Hearing:** December 21, 2021



Place of Hearing: City Hall Council Chambers  
8353 Sierra Avenue  
Fontana, CA 92335

Time of Hearing: 6:00 pm

Should you have any questions concerning this project, please contact, **Rina Leung**, at (909) 350-6566 or [rleung@fontana.org](mailto:rleung@fontana.org)

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish:  
1/4 Page

PH-B

Maria Torres

**From:** William Lee <william.lee97@yahoo.com>  
**Sent:** Monday, December 13, 2021 7:17 PM  
**To:** Planning  
**Subject:** Planning Ordnance Comments-Limit Warehouses & Housing. Need environmental report & companies to pay 3 million each for infrastructure- too many cars and traffic on roads

CAUTION - EXTERNAL SENDER - THIS EMAIL ORIGINATED OUTSIDE OF THE CITY'S EMAIL SYSTEM  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Fontana Planning Ordnance Committee Members,

I hope you are all well and take our public needs to heart before adding more warehouses! There is a need to limit the Warehouses & Housing developments as it is not adding quality jobs. We also do not need more gas stations as in 10 years we are all moving towards electric. Amazon warehouses use employees with no breaks or benefits which needs to stop and by adding more warehouses you are only encouraging anti-union businesses. Look towards jobs that are careers for our citizens in renewable energy and invest in our communities! More Amazons is not the answer!

We also need environmental reports with every proposed planned build & companies to pay 3 million + each for infrastructure for new roads to accommodate the thousands upon thousands of trucks. There were already too many cars and traffic on roads which is making it so everyone else cannot commute to the quality jobs. If you want to plan something, create a 4-year university here as an higher education will help get our citizenry out of poverty and improve quality of life through social mobility. Education not jobs you cannot retire by 65 with, think smart not quick money. Thanks! My name is William Lee and I want a Fontana who cares about our future, with proposing businesses ventures that pay \$40K plus benefits. Make it happen!

Sincerely,  
William Lee