

**ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, STATE OF CALIFORNIA, ADOPTING AN ORDINANCE TO IMPLEMENT INDUSTRIAL COMMERCE CENTERS SUSTAINABILITY STANDARDS**

**WHEREAS**, California has established the ambitious goal of carbon neutrality by 2045, which will require significant reductions and mitigation of greenhouse gas (“GHG”) emissions; and

**WHEREAS**, warehousing, logistics and distribution facilities are well-documented sources of air quality degradation that can create serious, negative health outcomes for surrounding communities; and these projects substantially increase air quality emissions through construction, operation, and vehicle-related emissions; and

**WHEREAS**, new developments and land use proposals present some of the best and most efficient opportunities to reduce and mitigate GHG emissions and air pollutants; and

**WHEREAS**, the City of American Canyon (“City”) seeks to be an environmental leader by attracting industrial development that meets the highest standards of environmental sustainability; and

**WHEREAS**, the municipal code amendments are exempt from the California Environmental Quality Act (CEQA), as it is not a Project under CEQA Guidelines Section 15378(b), and is categorically exempt under CEQA Guidelines Section 15308 “Actions by Regulatory Agencies for Protection of the Environment; and

**WHEREAS**, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on January 25, 2024 on the subject ordinance, and recommends City Council approval; and

**WHEREAS**, a duly-noticed public hearing was held by the City of American Canyon City Council on February 6, 2024 on the subject ordinance, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THAT CHAPTER 19.09 - INDUSTRIAL COMMERCE CENTERS SUSTAINABILITY STANDARDS IS HEREBY ADDED TO THE MUNICIPAL CODE OF THE CITY OF AMERICAN CANYON AS FOLLOWS:**

Chapter 19.09 – Industrial Commerce Centers Sustainability Standards

Sec. 19.09.010 – Applicability.

This Article is applicable to all warehousing, logistics and distribution facilities throughout the city for which a Notice of Preparation is issued after March 1, 2024 under the implementing Guidelines of the California Environmental Quality Act (CEQA).

A warehousing, logistics or distribution facility means facilities used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials and excludes bulk storage of materials, which are flammable or explosive or create hazardous or

commonly recognized offensive conditions) before their distribution to retail locations or other warehouses. The facilities are generally greater than 200,000 square feet in size, with a land coverage ratio of approximately 50 to 80 percent, and a dock-high loading door ratio of approximately 1:5,000—8,000 square feet. They are characterized by dock high loading doors, could be on opposing sides of the building (cross dock facility); significant movement and storage of products, materials, or equipment; truck activities frequently outside of the peak hour of the adjacent street system; and freeway access, including:

- Freight yards/forwarding terminals
- Warehousing distribution/high cube distribution centers
- Moving agencies
- Parcel delivery terminals
- Railroad freight stations
- Shipping/receiving yards
- Truck terminals

The following sections shall supersede any existing requirements in the Municipal Code and Specific Plans.

Sec. 19.09.020 – Requirements for warehousing, logistics or distribution facilities for which a Notice of Preparation is issued after March 1, 2024 under CEQA.

1. On-site motorized operational equipment, including but not limited to forklifts, yard trucks, and pallet jacks, shall be ZE (zero emission). This includes electrical hook ups to the power grid, rather than diesel-fueled generators, for contractors' electric construction tools, such as saws, drills and compressors.
2. All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and landscaping equipment) shall be zero-emission vehicles. Each building shall include the necessary charging stations or other necessary infrastructure for zero-emission cargo handling equipment.
3. Prior to issuance of a business license, the City shall ensure rooftop solar panels are installed and can be operated in such a manner that they will supply 100% of the power needed to operate all non-refrigerated portions of the facility including the parking areas.
4. 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 100% 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 (TRUs) to plug in. Truck operators with TRUs shall be required to utilize electric plug-in units when at loading docks.

5. All generators, and all diesel-fueled off-road construction equipment greater than 75 horsepower, will be zero-emissions or equipped with CARB Tier IV-compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. After either (1) the completion of grading or, (2) the completion of an electrical hookup at the site, whichever is first, require all generators and all diesel-fueled off-road construction equipment, to be zero-emissions or equipped with CARB Tier IV-compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.
6. Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle charging stations on-site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By 2030 install Level 2 (or faster) electric vehicle charging stations for 25% of the employee parking spaces required.
7. Install HVAC and/or HEPA air filtration systems in all warehouse facilities.

**SECTION 1. CEQA FINDINGS.** The City Council finds the municipal code amendments are exempt from environmental review under CEQA as it is not a Project under CEQA Guidelines Section 15378(b) and is categorically exempt under CEQA Guidelines Section 15308 "Actions by Regulatory Agencies for Protection of the Environment and a Notice of Exemption has been prepared for this proposed amendment.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall become effective effect 30 days after its final passage pursuant to Government Code section 36937.

**SECTION 3. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 4. CUSTODIAN OF RECORDS.** The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of American Canyon, State of California, held on the 6<sup>th</sup> day of February, 2024, by the following vote:

AYES: Council Members Aboudamous, Joseph, Washington, Vice Mayor Oro, and Mayor Garcia

NOES: None

ABSTAIN: None

ABSENT: None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 20<sup>th</sup> day of February, 2024, by the following vote:

AYES: Council Members Aboudamous, Joseph, Washington, Vice Mayor Oro, and Mayor Garcia

NOES: None

ABSTAIN: None


ABSENT: None

  
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Leon Garcia, Mayor

ATTEST:

  
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Taresa Geilfuss, CMC, City Clerk

APPROVED AS TO FORM:

  
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William D. Ross, City Attorney