

1 and decreases the City's ability to regulate indoor storage facility in a manner to protect the general
2 public, and may adversely impact the environment, all of which pose a current and immediate threat
3 to public health, safety, and welfare; and

4 **WHEREAS**, there is an urgent need for the City to review and revise its General Plan,
5 zoning ordinances, and other applicable policies and regulations to ensure that indoor storage
6 facility developments are appropriately sited, scaled, and operated in a manner that mitigates
7 adverse impacts on the community, including environmental and traffic impacts and impacts to
8 sensitive receptors; and

9 **WHEREAS**, City staff, the City Planning Commission and the City Council, require a
10 reasonable period of time to study the following, with respect to the establishment, expansion or
11 intensification of indoor storage facilities in the City, in order to make recommendations on
12 appropriate regulations to ensure development of indoor storage facilities aligns with the long-term
13 goals of the City and for the protection of the public health, safety and welfare:

- 14 a) the potential adverse impacts on the environment, traffic, aesthetics, and
15 visual quality of properties within the City; and
- 16 b) land use and zoning designations due to encroachment of indoor storage
17 facility projects in the proximity of residential uses and the impacts of
18 residential uses on indoor storage facilities; and
- 19 c) land use and zoning designations due to recent adoption of AB 98; and
- 20 d) the increase of truck traffic on City streets that has not been fully mitigated
21 by modification of truck routes; and
- 22 e) potential impact on sensitive receptors and sensitive uses which shall
23 include existing residential uses, churches, schools, parks, and natural open
24 spaces that are in proximity to zones where potential new indoor storage
25 facilities could be developed or existing indoor storage facilities that could
26 be expanded or intensified; and
- 27 f) efficacy of a one thousand (1000) foot radius buffer from sensitive uses
28 including residential zones; and

1 **WHEREAS**, pursuant to Government Code Section 65858, the City Council may adopt as
2 an urgency measure an interim ordinance prohibiting any use that may be in conflict with a
3 contemplated general plan, specific plan, or zoning proposal that the legislative body, planning
4 commission or the planning department is considering or studying or intends to study within a
5 reasonable time; and

6 **WHEREAS**, the City Council finds that the development of new indoor storage facilities,
7 or the expansion or intensification of existing indoor storage facilities, may have adverse impacts
8 on the environment, traffic, aesthetics, and visual quality of surrounding properties and on the
9 economic vitality within the City, and such impacts constitute and pose a current and immediate
10 threat to the public health, safety, or welfare.

11 **NOW, THEREFORE**, the City Council of the City of Rialto hereby ordains as follows:

12 **SECTION 1. Recitals Incorporated.** The City Council finds the recitals contained in this
13 ordinance to be true and correct, relies upon them in passing this ordinance, and incorporates them
14 herein as though set forth in full herein.

15 **SECTION 2. Moratorium on the Establishment, Expansion or Intensification of**
16 **Indoor Storage Facility Uses.**

- 17 A. The Rialto City Council hereby adopts a moratorium, pursuant to California
18 Government Code Section 65858, on the establishment, expansion, intensification,
19 development or construction of indoor storage facility uses within the City of Rialto.
- 20 B. This moratorium shall apply to the issuance of any permit or approval (including
21 but not limited to grading, infrastructure, building, temporary certificate of
22 occupancy, certificate of occupancy, conditional use permit, conditional
23 development permit, variance, change to the zoning or General Plan designation)
24 for a new, expanded or intensified indoor storage facility use or development.
- 25 C. For the purposes of this moratorium, “indoor storage facility” means any building
26 primarily used for the indoor storage of goods, products, commodities, materials,
27 supplies, and similar items for the primary purpose of supply chain distribution and
28 fulfillment, including “storage warehouses” and “fulfillment centers” as those terms

1 are defined at Rialto Municipal Code section 18.112.020.

2 D. This moratorium shall not apply to any application proposing a new indoor storage
3 facility, or proposing an expansion or intensification of any existing indoor storage
4 facility use, that has been deemed complete by the City, and:

5 i. The proposed project is more than 500 feet from a sensitive use
6 including existing residential uses, churches, schools, parks, and
7 natural open spaces; or

8 ii. The proposed project is less than one hundred thousand square feet
9 (100,000 sq ft) in floor area.

10 **SECTION 3. Duration of Ordinance.** This Moratorium is enacted pursuant to the
11 authority conferred upon the City Council of the City of Rialto by Government Code Section 65858,
12 and therefore shall be in full force and effect immediately upon its adoption by a four-fifths (4/5)
13 vote of the City Council. This Moratorium shall continue in effect for forty-five (45) days from the
14 date of its adoption and shall thereafter be of no further force and effect, unless, after notice pursuant
15 to Government Code Section 65090 and a public hearing, the City Council extends the Moratorium
16 for an additional period of time pursuant to Government Code Section 65858.

17 **SECTION 4. Report.** During the period of this Moratorium, and any extension thereof, the
18 City Manager or designees shall: (1) review and consider options for the regulation of indoor
19 storage facilities and (2) shall issue a written report describing the measures which the City has
20 taken to address the conditions which led to the adoption of this ordinance with the City Council
21 ten (10) days prior the expiration of this Moratorium, or any extension thereof, and such report
22 shall be made available to the public.

23 **SECTION 5. Enforcement.** The City of Rialto may enforce any provision of this
24 Ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of
25 competent jurisdiction.

26 **SECTION 6.** The City Council finds that this ordinance is not subject to the California
27 Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) because
28 it can be seen with certainty that it will not have a significant effect or physical change to the

1 environment.

2 **SECTION 7.** This Interim Ordinance is enacted pursuant to the authority conferred upon
3 the City Council of the City of Rialto by Government Code Sections 36937 and 65858, and shall
4 be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City
5 Council as if and to the same extent that such ordinance had been adopted pursuant to each of the
6 individual sections set forth hereinabove.

7 **SECTION 8. Severability.** Every section, provision, or part of this ordinance is declared
8 severable from every other section, provision, or part of this ordinance. If any section, provision,
9 or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such
10 judgment shall not invalidate any other section, provision, or part of this ordinance.

11 **SECTION 9. Effective Date.** This Interim Ordinance shall take effect immediately and
12 shall be of no further force and effect forty-five (45) days thereafter unless the City Council extends
13 such ordinance following a noticed public hearing.

14 **PASSED, APPROVED AND ADOPTED** this _____ day of _____, 2025.

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JOE BACA, MAYOR

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ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

ERIC S. VAIL, CITY ATTORNEY