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ORDINANCE NO. 1628

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK TERMINALS, TRUCK/CONTAINER STORAGE YARDS, AND TRUCK/CONTAINER PARKING AND RELATED USES IN THE CITY OF RIALTO FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS

WHEREAS, the City of Rialto (“City”) has the police power, pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries, to the extent such regulations are not in conflict with the general laws of the State of California; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, to protect public health, safety and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect 45 days from its date of adoption, unless duly extended; and

WHEREAS, Government Code Sections 36934 and 36937 expressly authorize the City Council to enact urgency ordinances, which take effect immediately upon introduction, for the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency, and which must be passed by a four-fifths vote of the City Council; and

WHEREAS, on October 8, 2019, the City Council adopted Ordinance No. 1624, an urgency ordinance establishing a 45-day moratorium on the establishment, expansion, or modification of truck terminals, truck/container storage yards, and truck/container parking (collectively, “truck parking facilities”) (the “Moratorium”), by a unanimous vote; and

1 **WHEREAS**, the Moratorium will expire on November 22, 2019, unless extended pursuant to
2 Government Code Section 65858, which authorizes the City Council, after notice pursuant to
3 Government Code Section 65090 and a public hearing, to adopt an ordinance extending the Moratorium
4 for 10 months and 15 days, upon approval by a four-fifths vote, and upon making the same findings
5 required for initial adoption of the Moratorium; and

6 **WHEREAS**, Government Code Section 65858(d) requires the City Council, ten days prior to
7 expiration of the Moratorium or any extension thereof, to issue a written report describing the measures
8 taken to alleviate the condition which led to the adoption of the Moratorium; and

9 **WHEREAS**, in accordance with Government Code Section 65858(d), the City Council hereby
10 approves the ten-day report, attached hereto as Exhibit “A”, describing the measures being taken to
11 alleviate the condition which led to the adoption of the Moratorium; and

12 **WHEREAS**, with the increase in truck parking facilities in the City and surrounding
13 communities, residents and businesses within the City have faced increased truck traffic, damage to
14 local streets, loss of potential economic revenue, and deteriorating air quality and environmental health;
15 and

16 **WHEREAS**, the City has additional concerns regarding the compatibility of commercial truck
17 uses in surrounding areas, as well as the aesthetic, development, and economic standards applicable to
18 truck parking facilities; and

19 **WHEREAS**, the City of Rialto has determined that truck parking facilities have an detrimental
20 impact upon the City, which is not being addressed by the City’s current zoning regulations; and

21 **WHEREAS**, the City intends to update the Rialto Municipal Code to further address the
22 potential side effects of truck parking facilities, and to ensure that they are properly regulated within the
23 City; and

24 **WHEREAS**, City staff, begun researching the issues related to truck parking facilities but
25 requires more time after November 22, 2019 to complete the measures necessary to alleviate the
26 conditions which led to the adoption of the Moratorium; and

27 **WHEREAS**, the City Council wishes to extend the Moratorium for a period of ten (10) months
28 and fifteen (15) days, or until the City Council adopts an ordinance addressing the issues raised by

1 allowing construction, alterations, or improvements within the reduced setback areas, whichever occurs
2 first; and

3 **WHEREAS**, at a duly noticed public hearing on November 12, 2019, testimony and evidence
4 was heard and presented from all persons interested in affecting said proposal to extend the Moratorium,
5 from all persons protesting the same and from members of the City staff, and the City Council has
6 reviewed, analyzed, considered, and studied all oral and written testimony and evidence presented at
7 such public hearing, including staff reports and presentations by City Staff.

8 **NOW, THEREFORE**, the City Council of the City of Rialto hereby finds and ordains as
9 follows:

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

13 **SECTION 2. Immediate Threat.** The City finds that there is a current and immediate threat
14 to public health, safety, and welfare posed by current truck parking facilities development and
15 overproliferation in the City, due to the insufficiency of regulations under the Rialto Municipal Code.
16 As stated above, the rapid development and expansion of truck parking facilities within the City has
17 increased truck traffic, caused extensive damage to local streets, contributed to the loss of potential
18 economic revenue, and is deteriorating the air quality, noise, and aesthetics of the City. An interim
19 urgency ordinance that extends the Moratorium is therefore necessary to protect immediate public
20 safety, health, and welfare pursuant to Government Code Sections 65858, 36934, and 36937.

21 **SECTION 3. 10-Day Report.** In accordance with Government Code Section 65858(d), the
22 City Council issued a written report describing the measures being taken to alleviate the conditions that
23 led to the adoption of the Moratorium and this extension thereof, attached hereto as Exhibit "A".

24 **SECTION 4. Moratorium Extension.** The City Council hereby extends the Moratorium on
25 any establishment, expansion, or modifications of truck parking facilities, which include truck
26 terminals, truck and/or /container storage yards, and truck and/or container parking and related uses, in
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1 the City. During the Moratorium extension period, the City shall not accept any new applications, or
2 issue any permits or entitlements, for such uses.

3 **SECTION 5. Duration of Ordinance.** The Moratorium is hereby extended for an additional
4 ten (10) months and fifteen (15) days beyond its original expiration date, such that the Moratorium will
5 now expire on October 7, 2020, or until the City Council adopts an ordinance addressing the issues
6 related to the establishment, expansion, or modifications of truck parking facilities, which include truck
7 terminals, truck and/or /container storage yards, and truck and/or container parking and related uses,
8 whichever occurs first. Thereafter, this Moratorium extension shall thereafter be of no further force and
9 effect unless, after a duly noticed public hearing, the City Council further extends the Moratorium for
10 an additional period of time pursuant to Government Code Section 65858.

11 **SECTION 6. City Action.** During the period of this Moratorium extension period, the City
12 Administrator or his designees shall: (1) review and consider options for the regulation of reduced
13 setback areas, and (2) shall issue a written report describing the measures which the City has taken to
14 address the conditions which led to the adoption of this Ordinance with the City Council ten (10) days
15 prior the expiration of this Moratorium, or any extension thereof, and such report shall be made available
16 to the public.

17 **SECTION 7. Enforcement.** The City of Rialto may enforce any provision of this Ordinance
18 by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

19 **SECTION 8. Environmental Review.** Pursuant to Section 15378(b)(5) of the California
20 Environmental Quality Act (CEQA), this Ordinance is an organizational or administrative activity of
21 the City that will not result in direct or indirect physical changes in the environment, and therefore not
22 a project. Additionally, pursuant to CEQA Guidelines Section 15061(b)(3), this Ordinance is exempt
23 from CEQA review because there is no possibility that the Moratorium may have a significant effect on
24 the environment, insofar as it prohibits the construction, alterations and improvements within the
25 reduced setback areas established by RMC section 18.56.030. Furthermore, even if the Ordinance is
26 considered a project, the proposed moratorium is categorically exempt under CEQA Guidelines Section
27 15308, because it is clear that the moratorium will not create an environmental impact and the action
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1 will assure the maintenance, enhancement, or protection of the environment through the eventual
2 adoption of regulations and development standards on reduced setback areas. Accordingly, no further
3 environmental review is necessary.

4 Furthermore, as the Ordinance is an administrative procedure related to uses, facilities, and
5 regulations identified in the Rialto Municipal Code and General Plan, and given that the proposed
6 Ordinance is not related to a specific project, the Ordinance (i) by virtue of the location of affected
7 improvements, will not impact a sensitive environmental resource of hazardous or critical concern; (ii)
8 will not have a cumulative impact on the environment through successive projects of the same type, in
9 the same place, over time; (iii) does not have any unusual circumstances that will have a significant
10 effect on the environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous
11 waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of the exceptions
12 to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this Ordinance.

13 **SECTION 9.** Every section, provision, or part of this Ordinance is declared severable from
14 every other section, provision, or part of this Ordinance. If any section, provision, or part of this
15 Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not
16 invalidate any other section, provision, or part of this Ordinance.

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1 **PASSED, APPROVED AND ADOPTED** this 12th day of **November**, 2019.

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ED SCOTT, Mayor Pro Tem

ATTEST:



BARBARA McGEE, City Clerk

APPROVED AS TO FORM



FRED GALANTE, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Ordinance No. **1628** was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 12th day of November, 2019.

Upon motion of Councilmember Trujillo, seconded by Councilmember Baca Jr., the foregoing Ordinance No. **1628** was duly passed and adopted.

Vote on the Motion:

AYES: Mayor Pro Tem Ed Scott, Council Member Trujillo, Carrizales and Baca Jr.

NOES: None

ABSENT: Mayor Deborah Robertson

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto, this 13th day of November, 2019.

Barbara A. McGee

BARBARA McGEE, CITY CLERK

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Exhibit “A”

10-DAY REPORT ON THE 45-DAY URGENCY ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF RIALTO ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK TERMINALS, TRUCK/CONTAINER STORAGE YARDS, AND TRUCK/CONTAINER PARKING AND RELATED USES IN THE CITY OF RIALTO [GOV. CODE § 65858(D)]

BACKGROUND:

On or about October 8, 2019, the City Council adopted Urgency Ordinance No. 1624, establishing a 45-day moratorium on the establishment, expansion, or modification of truck terminals, truck/container storage yards, and truck/container parking and other related uses (“Moratorium”). The Moratorium was enacted due to the recent and rapid expansion of industrial developments within the City and neighboring communities, and particularly the development and expansion of truck terminals, truck/container storage yards, and truck/container parking, which resulted in various adverse impacts, including increased truck traffic, damage to local streets, loss of potential economic revenue, and deteriorating air quality and environmental health. The Moratorium will expire on November 22, 2019, unless extended by the City Council.

Pursuant to Government Code Section 65858(d), the City must issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the Moratorium at least 10 days prior to the expiration of the 45-day moratorium.

MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION OF THE URGENCY ORDINANCE:

1. City Staff has commenced developing a community engagement plan to receive input from stakeholders, including residents and businesses, on appropriate regulations and development standards on truck terminals, truck/container storage yards, and truck/container parking and other related uses.
2. The City has assembled a technical and legal team that will be needed to analyze and develop appropriate regulations on truck terminals, truck/container storage yards, and truck/container parking and other related uses.
3. City Staff has commenced the process to amend the relevant portions of the zoning ordinance (e.g., Rialto Municipal Code Sections 18.38.020 and 18.48.020) and to develop appropriate development standards.
4. City Staff has commenced reviewing other local governments’ regulations and development standards regarding truck terminals, truck/container storage yards, and truck/container parking and other related uses.

1 **CONTINUED NEED FOR THE MORATORIUM:**

2 Despite City Staff's efforts, the conditions which necessitated adoption of the Moratorium continue to exist
3 at the present time. Extending the Moratorium will provide City Staff with necessary time to complete its
4 analysis, research and develop appropriate regulations for truck terminals, truck/container storage yards,
5 and truck/container parking and other related uses. These regulations require public outreach, additional
6 study, and a public hearing before the Planning Commission. These tasks cannot be completed within the
7 initial 45-day period which ends on November 22, 2019. Therefore, City Staff recommends that the City
8 Council adopt the proposed urgency ordinance extending the Moratorium for a period of ten (10) months
9 and fifteen (15) days, such that the Moratorium will expire on October 7, 2020, or until the City Council
10 adopts an ordinance addressing the issues and adverse impacts raised by truck terminals, truck/container
11 storage yards, truck/container parking and other related uses, whichever occurs first.
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