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ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY 45-DAY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK TERMINALS, TRUCK/CONTAINER STORAGE YARDS, AND TRUCK/CONTAINER PARKING FACILITIES AND RELATED USES IN THE CITY OF RIALTO

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, in order 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, the City of Rialto has determined that, due to the recent and rapid expansion of industrial developments within the City and neighboring communities, the number of truck terminals, truck/container storage yards, and truck/container parking (collectively, "truck parking facilities") within the City has grown exponentially; and

1 **WHEREAS**, with this increase in truck parking facilities, residents and businesses
2 within the City have faced increased truck traffic, damage to local streets, loss of potential
3 economic revenue, and deteriorating air quality and environmental health; and

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

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

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

13 **WHEREAS**, City staff, the City Planning Commission, and the City Council, each
14 requires a reasonable period of time to study existing truck parking facilities regulations
15 and developments to determine the potential adverse impacts on the environment, traffic,
16 aesthetics, and visual quality of properties within the City, and to make recommendations
17 on appropriate alternative regulations for truck parking facilities within the City; and

18 **WHEREAS**, the City desires to establish, on an urgency basis, a temporary
19 moratorium on the establishment, expansion, or modification of truck parking facilities
20 within the City through the adoption of this Ordinance to further the purposes stated
21 herein.

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

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

27 **SECTION 2. Immediate Threat.** The City Council finds that there is a current and
28 immediate threat to public health, safety, and welfare posed by current truck parking

1 facilities development and overproliferation in the City, due to the insufficiency of
2 regulations under the Rialto Municipal Code. As stated above, the rapid development
3 and expansion of truck parking facilities within the City has increased truck traffic, caused
4 extensive damage to local streets, contributed to the loss of potential economic revenue,
5 and is deteriorating the air quality, noise, and aesthetics of the City. This Ordinance is
6 necessary as an urgency measure to address said threats to public health, safety, and
7 welfare.

8 **SECTION 3. Moratorium.** Accordingly, the Rialto City Council hereby adopts a
9 moratorium pursuant to California Government Code Section 65858 on any
10 establishment, expansion, or modifications of truck parking facilities, which include truck
11 terminals, truck and/or /container storage yards, and truck and/or container parking and
12 related uses, in the City ("Moratorium"). During the Moratorium, the City shall not accept
13 any new applications, or issue any permits or entitlements to those that submit
14 applications after October 3, 2019, for such uses.

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

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. City Action.** During the period of this Moratorium, and any extension
27 thereof, the City Administrator or his designees shall: (1) review and consider options for
28 the regulation of truck parking facilities, which include truck terminals, truck and/or

1 /container storage yards, and truck and/or container parking and related uses, and (2)
2 shall issue a written report describing the measures which the City has taken to address
3 the conditions which led to the adoption of this ordinance with the City Council ten (10)
4 days prior the expiration of this Moratorium, or any extension thereof, and (3) shall make
5 said report available to the public.

6 **SECTION 7. Environmental review.** Pursuant to Section 15378(b)(5) of the
7 California Environmental Quality Act (CEQA), this Ordinance is an organizational or
8 administrative activity of the City that will not result in direct or indirect physical changes
9 in the environment, and therefore not a project. Additionally, pursuant to CEQA
10 Guidelines Section 15061(b)(3), this Ordinance is exempt from CEQA review because
11 there is no possibility that the Moratorium may have a significant effect on the
12 environment, insofar as it prohibits the construction of or alterations to, truck parking or
13 logistics facilities within the City. Furthermore, even if the Ordinance is considered a
14 project, the proposed moratorium is categorically exempt under CEQA Guidelines
15 Section 15308, because it is clear that the Moratorium will not create an environmental
16 impact and the action will assure the maintenance, enhancement, or protection of the
17 environment through the eventual adoption of regulations and development standards on
18 truck parking or logistics facilities. Accordingly, no further environmental review is
19 necessary.

20 Furthermore, as the Ordinance is an administrative procedure related to uses,
21 facilities, and regulations identified in the Rialto Municipal Code and General Plan, and
22 given that the proposed Ordinance is not related to a specific project, the Ordinance (i) by
23 virtue of the location of affected improvements, will not impact a sensitive environmental
24 resource of hazardous or critical concern; (ii) will not have a cumulative impact on the
25 environment through successive projects of the same type, in the same place, over time;
26 (iii) does not have any unusual circumstances that will have a significant effect on the
27 environment; (iv) does not impact a scenic highway; (v) is not located on a hazardous
28 waste site; and (vi) will not adversely impact a historical resource. Accordingly, none of

1 the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section
2 15300.2, apply to this Ordinance.

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

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

11

12 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

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DEBORAH ROBERTSON, Mayor

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16 ATTEST:

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BARBARA McGEE, City Clerk

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20 APPROVED AS TO FORM

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FRED GALANTE, City Attorney

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the
5 foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting
6 of the City Council of the City of Rialto held on the _____ day of
7 _____, 2019.

8 Upon motion of Councilmember _____, seconded by
9 Councilmember _____, the foregoing Ordinance No. _____ was
10 duly passed and adopted.

11 Vote on the Motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the
16 City of Rialto, this _____ day of _____, 2019.

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18 _____
19 Barbara A. McGee, City Clerk
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