

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING CHAPTER 18.112 OF THE RIALTO MUNICIPAL CODE CREATING A NEW CHAPTER 18.104 ENTITLED “INDOOR STORAGE FACILITIES”

WHEREAS, the City Council desires to amend the Rialto Municipal Code to require that all indoor storage uses obtain conditional use permits and demonstrate compliance with specific criteria and development standards prior to operating in the city; and

WHEREAS, the City Council desires to promote economic vitality and sustainability of businesses within the community, while still protecting the general health, safety, and welfare of the public, by regulating indoor storage facilities; and

WHEREAS, on December 9, 2020, the Planning Commission held a public hearing on Zoning Code Amendment 20-005, an amendment to Title 18 of the Rialto Municipal Code to add a new Chapter 18.112 entitled “Indoor Storage Facilities” that establishes regulations on indoor storage uses (“Ordinance Amendment”), where it heard testimony and discussed the Ordinance and recommended to the City Council approval of the same.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS
AND ORDAINS AS FOLLOWS:**

Section 1. The above recitals set forth above are all true and correct and incorporated herein.

Section 2. The adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA). Pursuant to Section 15378 of the California Environmental Quality Act, a ‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include changes to development standards that will not result in direct or indirect physical changes in the environment. The Planning Division will file a Notice of Exemption with the Clerk of the Board of San Bernardino County in accordance with CEQA upon adoption of the Ordinance.

1 **Section 3.** Chapter 18.112, [Indoor Storage Facilities] is hereby added to the Rialto
2 Municipal Code to read as follows:

3 **Chapter 18.112 – INDOOR STORAGE USES**

4 **18.112.010 - Purpose**

5 This chapter establishes regulations for facilities that involve the indoor storage of goods,
6 products, commodities, materials, supplies, and similar items for the primary purpose of supply
7 chain distribution and fulfillment, referred to herein as “indoor storage facilities”. The purpose of
8 these regulations is to provide development and performance standards for siting and operating
9 indoor storage facilities that are associated within distribution and fulfillment. The intent of these
10 regulations is to minimize impacts to sensitive uses, such as residential uses, educational uses, and
11 public parks and open space intended for public park and recreational use intended for public park
12 and recreational use, and to protect the public health, safety, and welfare by controlling the design
13 and location of indoor storage facilities.

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15 **18.112.020 - Definitions**

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17 A. The following words and phrases shall, for the purposes of this chapter, have the meanings
18 respectively ascribed to them by this section, as follows:

19
20 1. “*Indoor storage facility*” means any building primarily used for the indoor storage of
21 goods, products, commodities, materials, supplies, and similar items for the primary
22 purpose of supply chain distribution and fulfillment, including storage warehouses and
23 fulfillment centers.

24
25 2. “*Storage warehouse*” is a type of indoor storage facility whereby a building is primarily
26 used for the indoor storage of goods, products, commodities, materials, supplies, and
27 similar items and used for the bulk sale or bulk distribution of those goods to their direct
28

1 customers or retail stores. Retail sales from the premises may occur in conjunction to
2 the primary warehouse facility use.

- 3
- 4 3. “*Fulfillment center*” is a type of indoor storage facility whereby a building is primarily
5 used to receive, process, and fulfill numerous customer orders associated with electronic
6 commerce (“e-commerce” retailers) or similar high capacity and high frequency orders
7 and deliveries. The use includes the indoor storage of goods, products, and similar items
8 and is typically characterized by a high intensity and a high frequency of truck traffic
9 and may include multiple shifts of employees.

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11 **18.112.030 - Applicability**

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13 The requirements of this chapter shall apply to the establishment or modification of all indoor
14 storage facilities in zoning districts in which the specific use is permitted. This chapter shall not
15 apply to existing indoor storage uses or pending applications as of the effective date of the ordinance
16 codified in this chapter. The continuation of existing indoor storage facilities shall be subject to the
17 regulations and guidelines of Chapter 18.60 of the Rialto Municipal Code.

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19 **18.112.040 - Locational Provisions**

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- 21 A. Subject to the limitations of this chapter and Planning Commission approval of a conditional
22 development permit, indoor storage facilities may be established within the following zones:

- 23
- 24 1. Light Manufacturing (M-1) zone
- 25 2. General Manufacturing (M-2) zone
- 26 3. Airport-Related Planned Industrial Development (I-AR) zone of the Rialto Airport
27 Specific Plan
- 28

- 1 4. Planned Industrial Development (I-PID) zone of the Rialto Airport Specific Plan
- 2 5. General Manufacturing (I-GM) zone of the Rialto Airport Specific Plan
- 3 6. Medium Industrial (M-IND) zone of the Agua Mansa Specific Plan
- 4 7. Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan
- 5 8. Urban Services (U-S) zone of the Central Area Specific Plan
- 6 9. Industrial Park (I-P) zone of the Gateway Specific Plan
- 7 10. Freeway Incubator (FI) zone of the Renaissance Specific Plan
- 8 11. Employment (EMP) zone of the Renaissance Specific Plan
- 9 12. Business Center (BC) zone of the Renaissance Specific Plan
- 10 B. New or modified storage warehouses larger than 50,000 square feet in size and new
- 11 fulfillment centers of any size, and the parcels of land in which they are located on, shall
- 12 not be located adjacent to or across a street or intersection from any residentially used or
- 13 zoned land or any existing public school, private school, public park, or public open space
- 14 intended for public park and recreational use, except if the following findings can be made
- 15 by the Planning Commission prior to approving a conditional development permit:
 - 16 a. All vehicle traffic shall be routed away from, and not pass, residentially used and
 - 17 zoned land, schools, parks, and open space intended for public park and recreational
 - 18 use intended for public park and recreational use intended for park use. If routing
 - 19 vehicles past these sensitive uses is unavoidable because no other routes exist or no
 - 20 other reasonable routes exist, the Planning Commission may allow an exception
 - 21 whereby it is determined that the routing and amount of traffic will not create a
 - 22 significant impact in the level of service or safety of the roadway and will not be
 - 23 disruptive to the sensitive uses that will be affected;
 - 24 b. Sufficient buffering with buildings and landscaping shall be provided on-site to
 - 25 screen residentially used and zoned land, schools, parks, and open space intended
 - 26 for public park and recreational use from truck access, parking, and vehicle,
 - 27 equipment, and similar other operations to the satisfaction of the Planning
 - 28

Commission. At a minimum, the setback and buffering provisions of Section 18.61.050(B) of the Rialto Municipal Code shall apply and shall be supplemented to protect adjacent uses and mitigate any negative effects;

c. The placement and size of the building or buildings on the site shall not be imposing or overwhelming to any residentially used and zoned land, schools, parks, and open space intended for public park and recreational use that is adjacent to the proposed development. Methods to reduce the bulk, mass, and height of buildings shall be used including, but not limited to, reducing building heights, breaking large buildings into multiple buildings, lowering the grade or eliminating grade differentials relative to adjacent properties, and similar techniques; and,

d. The location of truck courts and other areas of operational activity on the site shall be located away from and not be visible or disruptive to any residentially used and zoned land, schools, parks, and open space intended for public park and recreational use that is adjacent to the proposed development.

18.112.050 - Development Standards

A. The development standards contained within this section shall apply to all indoor storage facilities, including storage warehouses and fulfillment centers, unless specified otherwise herein.

B. General Standards

1. All indoor storage facilities shall comply with all applicable provisions of Chapter 18.61 of the Rialto Municipal Code.

2. An Operations and Truck Route Plan shall be submitted for review and approval as part of the conditional development permit application. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, number of employees, types of items to be stored within the building, and the proposed truck routing to and from the facility to designated truck routes that avoids passing residential, educational, park and open space intended for public park and

1 recreational use intended for public park and recreational use areas to the greatest extent
2 feasible. The plan shall also include physical and operational measures for preventing
3 truck queuing, stopping, and parking on public streets. Speculative projects for which
4 no tenant is identified shall assume realistic operational characteristics and truck routing
5 upon which any entitlement that is granted shall be based.

- 6 3. A Property Maintenance Program shall be submitted for review and approval as part
7 of the conditional development permit application. The program shall provide for the
8 regular maintenance of building structures, landscaping, and paved surfaces in good
9 physical condition and appearance. The methods and maximum intervals for
10 maintenance of each component shall be specified in the program.

11 C. Site and Architectural Design Standards

- 12 1. All buildings and structures shall be setback from a property line along a street frontage
13 or adjacent to any residentially zoned or used land, public and private schools, and
14 public parks and open space intended for public park and recreational use intended for
15 public park and recreational use, by a minimum of one (1) foot for every one (1) foot of
16 building height, but no less than twenty-five (25) feet. Building height means the
17 vertical distance from the finished grade to the highest point of the building along the
18 side of the building facing a street, residentially zoned land, public and private schools,
19 or public parks and open space intended for public park and recreational use intended
20 for public park and recreational use.
- 21 2. All buildings and structures shall incorporate horizontal wall plane articulation
22 approximately in the form of wall plane projections, recesses, and/or projected masses
23 every one-hundred (100) linear feet on all sides. Horizontal wall plane articulation shall
24 have a minimum depth of at least three (3) feet, as measured from the exterior of the
25 main wall plane, and a minimum width of twelve (12) feet.

3. All buildings and structures shall incorporate vertical wall plane articulation in form of wall height variations of at least eighteen (18) inches approximately every one-hundred linear feet on all sides.
4. All buildings and structures shall incorporate enhanced architectural treatments on all sides. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc.
5. The need for stairwells on elevations facing streets shall be avoided to improve the aesthetics of the building and minimize the height of buildings.
6. Underground stormwater chambers shall be provided to avoid the need for aboveground stormwater basins. As an alternative, aboveground basins may be permitted if the depth of the basin does not require fencing and the basin can be planted with shrubs and groundcover so as to appear as part of the landscaped area on the site.
7. Site improvements to control and direct truck and van traffic in the desired direction on adjacent streets shall be provided, including but not limited to medians, “pork chop” curb returns, and similar measures.

D. Parking and Access Standards

1. Parking shall be provided for indoor storage facilities in accordance with Chapter 18.58 of the Rialto Municipal Code or the applicable Specific Plan.
2. All passenger vehicle parking lots, drive-aisles, and truck parking areas or truck courts shall be paved with asphalt or concrete, as required by the City Engineer.
3. All required passenger vehicle parking spaces shall be separated from any enclosed truck parking area or truck court and shall not require access through any enclosed truck parking area or truck court to reach the parking spaces.
4. Signage for directional guidance to trucks entering and exiting the facility shall be provided on-site.
5. Sufficient space, including additional overflow areas, shall be provided to accommodate all maneuvering, queuing, stacking, loading, unloading, and parking of vehicles on-site.

6. On-site electric hook-ups shall be provided to eliminate idling of main and auxiliary engines during loading and unloading of cargo.

E. Screening Standards

1. All stored items, including trucks and trailers within truck parking areas and courts, shall be completely screened from public view, including oblique views, by a combination of buildings and/or solid screen walls of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative masonry block means tan slumpstone block, tan split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.
2. Screen walls shall not be located within any required front yard or street side yard landscape setback area.
3. All stored items, including trucks and trailers within truck parking areas, shall not exceed eight (8) feet in height unless a taller wall up to fourteen (14) feet is provided to effectively screen along street frontages. The minimum height of screen walls shall be eight (8) feet and the maximum height shall be fourteen (14) feet.
4. Solid walls surrounding truck parking areas and truck courts that are below the grade of an adjacent street shall be backfilled to a grade level that matches the finished grade level of the adjacent street.
5. Solid walls surrounding truck parking areas and truck courts that either at grade or are above the grade of an adjacent street shall incorporate a berm/slope along the entire length of the wall that ensures that no more than eight (8) feet of the wall is visible from public view. The maximum slope shall not exceed a 4:1 ratio.
6. Solid walls surrounding truck parking areas and truck courts along street frontages that are visible from public view shall incorporate landscape pockets every seventy (70) linear feet to prevent monotony. The landscape pockets shall have a minimum depth of

1 three (3) feet and a minimum width of twelve (12) feet and shall be located on the
2 exterior side of the wall.

3 7. Solid walls surrounding truck parking areas and truck courts shall incorporate pilasters
4 every seventy (70) linear feet and at all corners and ends of the wall.

5 8. Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all
6 solid screen walls.

7 F. Landscape Standards

8 1. All indoor storage facilities shall have a minimum fifteen (15) foot deep landscaped
9 setback along all street frontages planted with a combination of trees, shrubs, and
10 groundcover. Parking of motor vehicles is not permitted within the required landscape
11 setback area.

12 2. All indoor storage facilities shall have a minimum ten (10) foot deep landscaped setback
13 along interior side and rear property lines planted with a combination of trees, shrubs,
14 and groundcover, except within enclosed truck courts.

15 3. All indoor storage facilities shall have a minimum ten (10) foot deep landscape planter
16 at the base of buildings and screening walls that are visible from and face street
17 frontages. Planting within these planters shall consist of a combination of small to
18 medium scale trees, shrubs, and groundcover vegetation to soften the edge of the
19 building or screen wall.

20 4. Trees shall be planted every thirty (30) linear feet within all landscape planters on-site.
21 Two (2) rows of trees shall be provided within all landscape setbacks adjacent to public
22 streets. A minimum of fifty percent (50%) of the trees on-site shall consist of evergreen
23 broadleaf tree species to ensure year-round coverage.

24 5. Shrubs and groundcover vegetation shall be planted an average of three (3) feet on-
25 center or less, or as recommended for the species. Shrubs and groundcover vegetation
26 species shall be selected and plotted to ensure a layering of landscaping from shorter to
27 taller.
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1 G. Security Standards

- 2 1. All indoor storage facilities shall be secured and incorporate exterior security cameras
3 that are connected to the City's enforcement system to the satisfaction of the Police
4 Chief.
5 2. All indoor storage facilities shall be illuminated entirely every night, from dusk until
6 dawn, with a minimum of one (1.0) foot candle across the site. Light fixtures shall be
7 arranged or shield so as not to spill light onto neighboring properties.

8 H. Public Noticing

- 9 1. In addition to the provisions of Chapter 18.66.080, public notice of public hearings for
10 proposed indoor storage facilities shall be mailed to all property owners within a one
11 thousand (1000) foot radius of the project site.
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13 **18.112.060 - Performance Standards**

14 A. The following measures shall be included as performance standards and conditions of
15 approval for all indoor storage facilities:

- 16 1. New or modified indoor storage facilities shall route all vehicles associated with the use
17 (trucks, vans, passenger vehicles, etc.) on roadways to avoid passing residential,
18 educational, park and open space intended for public park and recreational use intended
19 for public park and recreational use areas to the greatest extent feasible.
20 2. The queuing of trucks on streets or elsewhere outside of facility shall be prohibited. All
21 queuing, stacking, loading, unloading, and parking shall occur exclusively on-site. The
22 property owner and operator shall be responsible for ensuring compliance with this
23 performance standard.
24 3. The operator of the indoor storage facility shall be responsible for implementing and
25 monitoring an Operations and Truck Route Plan during all operations, including, but not
26 limited to posting the plan and educating truck drivers on the approved routes.
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4. Indoor storage facilities shall not store any products, goods, commodities, materials, supplies, or containers outside of any building on-site, except for trucks and trailers associated with the indoor storage facility, without prior approval of a separate conditional development permit in accordance with Chapter 18.104 of the Rialto Municipal Code.
5. Truck drivers shall not sleep or reside within any truck cab on-site overnight or for any other extended duration of time.
6. Operators shall address any parking, traffic, noise, or safety issues within 48 hours of being notified by the City that an issue exists.
7. Prior to the issuance of a Business Compliance Certificate, any new tenant or operator of an indoor storage facility shall 1) submit an operational plan and trip generation analysis prepared by a licensed traffic engineer for review and approval demonstrating the proposed operations and projected traffic associated with the new tenant or operator is the same or less than the projected traffic assumed in the approved entitlements for the facility; and 2) sign a statement acknowledging acceptance of all operational conditions of approval associated with the approved entitlements for the facility. If the proposed operations and trip generation represent a significant change in operational characteristics or more than ten (10) percent increase in trip generation beyond what was entitled, a modification to the conditional development permit shall be required prior to the start of operations.
8. The property owner and/or operator shall be responsible for implementing the approved Property Maintenance Program and maintaining the property in good physical condition.

Section 3. Section 18.61.270 C of the Rialto Municipal Code shall be added to read as follows:

“When indoor and outdoor storage facilities are located adjacent to or across a street or intersection from any residentially zoned land or any existing public school, private school,

1 public park, or public open space intended for public park and recreational use, the provisions
2 of Chapter 18.112 shall be followed.”

3 **Section 4.** If any provision of this Ordinance is held invalid, such invalidity shall not
4 affect the remaining provisions of this Ordinance, which shall remain in effect absent the provision
5 held to be invalid, and to this end, the provisions of this Ordinance are declared to be severable.

6 **Section 5.** The City Clerk shall certify to the adoption of this Ordinance and cause the
7 same to be published in the local newspaper, and the same shall take effect thirty (30) days after its
8 date of adoption.

9 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

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12 _____
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14 DEBORAH ROBERTSON, Mayor
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16 **ATTEST:**

17
18 _____
19 BARBARA McGEE, City Clerk
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22 **APPROVED AS TO FORM:**

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24 _____
25 ERIC VAIL, Interim City Attorney
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27
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1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)
4

5 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council
7 of the City of Rialto held on the _____ day of _____, 2021.

8 Upon motion of Councilmember _____, seconded by
9 Councilmember _____, the foregoing Ordinance No. _____ was duly
10 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 _____, 2021.

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Barbara A. McGee, City Clerk