



City of Rialto

Legislation Text

File #: CC-19-986, **Version:** 1

For City Council Meeting [October 8, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Administrator

FROM: Fred Galante, City Attorney

Adopt Urgency Ordinance No. 1624, entitled, "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 AND RELATED USES IN THE CITY OF RIALTO," reading the ordinance by title only and waving further reading thereof.

(ACTION)

BACKGROUND

Rialto Municipal Code Sections 18.38.020 and 18.48.020 authorize the establishment of, among other uses, truck terminals, repair shops, hauling and storage yards, and storage warehouses within the light manufacturing (M-1) and general manufacturing (M-2) zones of the City, respectively. However, 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, residents and businesses have experienced various adverse impacts related to these industrial developments, including increased truck traffic, damage to local streets, loss of potential economic revenue, and deteriorating air quality and environmental health.

As a result, the City requires time to study the adverse impacts of truck terminals, truck/container storage yards, and truck/container parking on the City, and to develop a comprehensive update to the City's General Plan and Zoning Code to address the adverse impacts. Staff recommends that the City Council consider adopting a moratorium on such uses to conduct the necessary studies and analyses so that the General Plan and Zoning Code update can address the impacts of truck terminals, truck/container storage yards, and truck/container parking and related uses going forward. During this process, through community and stakeholder participation, the City can craft recommendations to address these very important policy issues facing the City.

Pursuant to Government Code Section 65858, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses, facilities, or improvements that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time.

ANALYSIS/DISCUSSION

Land Use Issues

Industrial developments are an important part of the City's, State, and national economy and provide both positive and negative impacts on the community. Recently, such developments have been in high demand due to the growing economy and decrease in vacant, developable land. This high demand has resulted in related developments such as truck terminals, truck/container storage yards, and truck/container parking uses. These types of uses take up large areas of land, albeit with little to no buildings, that could otherwise be used to construct buildings or other developments that generate tax revenues for the City.

The City's Zoning Code, codified in Title 18 of the Rialto Municipal Code, is dated and does not give the City adequate tools or assurances to address the issues created by truck terminals, truck/container storage yards, and truck/container parking uses. As evidenced in Sections 18.38.020 and 18.48.020 of the Rialto Municipal Code, such uses are permitted by right, and the Code does not provide any use-specific development standards to address the adverse impacts to public health, safety, and welfare mentioned in this staff report.

Traffic and Safety Issues

Moreover, the aforementioned uses, by their nature, generate significant truck traffic that often times occurs on a 24-hour and daily basis. This truck traffic causes some traffic congestion, detrimental air quality, noise, and vibration. These trucks travel on truck routes as well as other streets to reach their destinations and pose unique and challenging traffic issues because of their sheer size, such as:

- Increased safety risk for smaller vehicles, pedestrians, and bicyclists;
- Damage to City property/facilities from collisions (reported and unreported); i.e., street lights, traffic signal equipment, signs, trees, curbs, medians, etc.;
- Reduced levels of service on streets and at intersections; and
- Increased impacts from improperly over-loaded trucks.

Environmental and Health Issues

Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). DPM is considered a subset of particulate matter less than 2.5 microns in diameter (PM2.5). Most PM2.5 derives from combustion, such as use of gasoline and diesel fuels by motor vehicles, burning of natural gas to generate electricity, and wood burning. DPM is most concentrated adjacent to freeways, truck routes, and roadways traveled by trucks. PM2.5 is the size of ambient particulate matter air pollution most associated with adverse health effects of the air pollutants that have ambient air quality standards. These health effects include cardiovascular and respiratory hospitalizations, and premature death.

The trucks also cause noise and vibrations when travelling on the roadways next to residential areas. The increase in industrial developments in recent years and the resulting increase in truck traffic has most likely made the conditions worse for the residents who reside adjacent to major roadways and specially adjacent to truck routes.

Moratorium

As discussed above, the establishment, expansion, and modification of truck terminals, truck/container storage yards, and truck/container parking and other related uses pose an immediate threat to the public health, safety, and welfare. To avoid any further aforementioned adverse impacts, City Staff recommends that the City Council consider adopting a 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 would allow for a measured approach to study and develop appropriate regulations and development standards to address truck terminals, truck/container storage yards, and truck/container parking and related uses. Below are some examples of tasks that City staff will undertake during the Moratorium:

- Meet with landowners, businesses, residents, schools, and other community members to understand their issues and concerns;
- Determine the environmental and health impacts on the community from truck-related uses to determine the mitigation measures necessary to better protect the community from these impacts such as sound walls, distance requirements, lot size, alternative pavement materials to reduce noise, and programs related to improving community's health;
- Examine incompatibility issues between sensitive uses and truck/container parking-related uses to better address buffering between uses, permitted uses, hours of operations, and transitioning some industrial areas to alternative land uses;
- Initiate an effort to identify legal non-conforming, no longer legal-non-conforming (amortization period has expired), and illegally operating trucking/container parking-related uses in industrial areas;
- Examine alternative pavement materials to reduce the long term maintenance costs of roads heavily traveled by trucks;
- Examine whether the designated truck routes can be modified to both provide the most efficient truck routes and ensure the best protection of the residential areas; and
- Perform a fiscal impact analysis to obtain a more accurate accounting of the revenues generated such uses versus the demand of City expenditures to provide services for these facilities.

Urgency Ordinance

To achieve this goal, the City Attorney has prepared the Urgency Ordinance provided with this report for City Council consideration ("Ordinance"). The Urgency Ordinance would apply to prohibit the City from accepting any new applications or issuing any permits or entitlements to those that submit applications following the posting of this agenda on October 3, 2019.

Per Government Code section 65858, the Urgency Ordinance requires an affirmative vote of 4/5th of the City Council to be adopted. If passed, the Urgency Ordinance will continue in effect for 45 days (until November 22, 2019) and, thereafter, will be of no further force and effect, unless, the City Council extends the Moratorium. Any ordinance extending the moratorium requires a noticed public hearing and can be for up to an additional 10 months and 15 days. Thereafter, the Moratorium may be extended again for 1 additional year.

During the period of this Moratorium, and any extension thereof, the City Administrator or his designees must: (1) consider whether the establishment, expansion, or modification to truck terminals, truck/container storage yards, and truck/container parking and other related uses may result in a threat to public health, safety and welfare, and (2) issue a written report describing the measures which the City has taken to address the conditions which led to the adoption of this Ordinance. The report must be issued at least 10 days before the expiration of this Moratorium, or any extension thereof and made available to the public. The City Council will, in turn, analyze the report and determine whether conditions continue to exist to justify further extensions to the Moratorium.

ENVIRONMENTAL IMPACT

The requested action does not constitute a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), 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. According to Section 15378(b), a Project does not include: “...(5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” Additionally, pursuant to Section 15061(b) (3), the proposed Moratorium is exempt from CEQA review as there is no possibility that the Moratorium may have a significant effect on the environment, insofar as it prohibits the establishment, expansion, and modification of truck terminals, truck/container storage yards, and truck/container parking and other related uses.

GENERAL PLAN CONSISTENCY

Approval of this action complies with the following City of Rialto Guiding Principles, General Plan Goals and Policies:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW

The City Attorney has reviewed and approved the staff report and Ordinance.

FINANCIAL IMPACT

Adoption of the Urgency Ordinance is not anticipated to have any financial impact as any fees due by developers for such improvements will continue to be paid to the City for future use.

RECOMMENDATION

Staff recommends that the City Council consider and adopt Urgency Ordinance No. ____ entitled “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 AND RELATED USES IN THE CITY OF RIALTO,” reading the ordinance by title only and waving further reading thereof