



# City of Rialto

## Legislation Text

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**File #:** CC-19-1110, **Version:** 1

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For City Council Meeting [December 10, 2019]

**TO:** Honorable Mayor and City Council

**APPROVAL:** Rod Foster, City Administrator

**FROM:** Matt Schneider, Community Development Director

Request City Council to Set a Public Hearing for **January 14, 2020**, to consider an Ordinance adding sections to Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code and amending other sections of the Rialto Municipal Code to require the approval of a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and similar uses on all industrial zoned land within the City of Rialto.

**APPLICANT:**

City of Rialto, 150 S. Palm Avenue, Rialto, CA 92376

**LOCATION:**

All industrial zoned land within the City of Rialto, consisting of the following zones:

1. Light Industrial (M-1)
2. General Manufacturing (M-2)
3. Medium Industrial (M-IND) within the Agua Mansa Specific Plan
4. Heavy Industrial (H-IND) within the Agua Mansa Specific Plan
5. Urban Services (U-S) within the Central Area Specific Plan
6. Industrial Park (I-P) within the Gateway Specific Plan
7. Freeway Incubator (FI) within the Renaissance Specific Plan
8. Employment (EMP) within the Renaissance Specific Plan
9. Business Center (BC) within the Renaissance Specific Plan
10. Planned Industrial Development (I-PID) within the Rialto Airport Specific Plan
11. General Manufacturing (I-GM) within the Rialto Airport Specific Plan

**BACKGROUND:**

Currently, each industrial zone within the City of Rialto permits the development, expansion, and modification of storage warehouses, distribution centers, and similar uses by right. As a result of some recent storage warehouse and distribution center developments on I-PID zoned land in close proximity to existing residential uses, several members of the Planning Commission expressed a desire to have storage warehouses, distribution centers, and related uses be conditionally permitted in the I-PID zone rather than permitted by right. On September 11, 2019, the Planning Commission voted 7-0 to initiate the preparation of an amendment to the Rialto Airport Specific Plan to require a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and related uses within the I-PID zone.

On October 23, 2019, the Planning Division presented the proposed amendment to the Rialto Airport Specific Plan to the Economic Development Committee (EDC). The EDC expressed support for requiring a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and related uses within the I-PID zone but requested that, instead of limiting the amendment to the I-PID zone, the requirement be expanded to all industrial zones within the City of Rialto.

### **ANALYSIS/DISCUSSION:**

Per the request of the Planning Commission and the EDC, the Planning Division prepared a proposed Ordinance (**Exhibit A**) that will add sections to Chapter 18.66 (Conditional Development Permits) and amend Section 18.38.020 of the Rialto Municipal Code to require the approval of a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and similar uses in all industrial zones within the City of Rialto. Specifically, the Ordinance will add new text within Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code that will (i) include a definition for storage warehouses, distribution centers, and related uses, (ii) require the approval of a Conditional Development Permit by the Planning Commission for the development, expansion, or modification of storage warehouses, distribution centers, and similar uses, and (iii) establish the zones where the development, expansion, or modification of storage warehouses, distribution centers, and related uses may be permitted, subject to the approval of a Conditional Development Permit by the Planning Commission. The proposed Ordinance will also amend Section 18.38.020 of the Rialto Municipal Code to clarify that warehouses, distribution centers, and similar uses require a Conditional Development Permit and are not permitted by right in any industrial zone. The recommended textual changes to Chapter 18.66 (Conditional Development Permits) and Section 18.38.020 of the Rialto Municipal Code are shown below (additions in ***bold italics*** and deletions in ~~strikethroughs~~):

### Chapter 18.38 - M-1 Light Manufacturing Zone

#### 18.38.020 - Permitted uses.

Uses permitted are as follows:

- A. Light manufacturing, processing or treatment of products;
- B. Any of the following uses:
  - 1. Assembly of machine and appliances from previously prepared parts,
  - 2. Auction houses, provided the use is conducted entirely within an enclosed building and no stalls or sales are allowed outside of the building and there is no outside storage, and subject to a conditional development request to be filed and approved by the planning commission,
  - 3. Automobile, truck, airplane, motorcycle, bicycle and farm machinery assembly, painting, repair and sales,
  - 4. Bakeries or baking plants,
  - 5. Bedding, carpet and pillow manufacturing, cleaning and renovating,
  - 6. Blacksmith and horseshoeing shop,
  - 7. Boat building,
  - 8. Body and fender works when operated wholly within a building,

9. Book bindery,
10. Bus repair and storage terminals,
11. Circuses, carnivals, fairs,
12. Cleaning and dyeing plant,
- ~~13. Distribution plant,~~
13. Electric light or power generating station and electric distribution and transmission substation,
14. Electric plating,
15. Flower, feed and seed processing and sales,
16. Food products manufacturing except the following: fish, and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
17. Fruit or vegetable packing and shipping plants,
18. Ice and cold storage plants,
19. Laboratories,
20. Laundries,
21. Lumber yards, building materials storage and sales, contractors storage yard or plant,
22. Machine shop,
23. Neon or electric sign manufacture,
24. Planing or saw mills,
25. Plumbing shop and yard,
26. Printing, publishing and reproduction establishments,
27. Radio and television stations and masts,
28. Sheet metal plant,
- ~~29. Storage warehouses,~~
- ~~30. Storage or service yards when enclosed within a solid masonry wall not less than six feet in height and in a manner satisfactory to the planning commission,~~
29. Truck terminals, repair shops, hauling and storage yards,
30. Waste paper and rags, collection and bailing, when conducted entirely within an enclosed building,
31. Wholesale and jobbing establishment including incidental retail outlets for only such merchandise as is handled at wholesale,
32. Other uses which are subject to a conditional development permit. (See Chapter 18.66),
33. Foundries or metal fabrication plants using plate and structural shapes,
34. Small and large collection facilities for recyclable materials as permitted in Chapter 18.108,
35. Light processing facilities for recyclable materials as permitted in Chapter 18.108,
36. Restaurant, cafe and sandwich shop.

## Chapter 18.66 - Conditional Development Permits

### 18.66.030 - Permitted Uses

**CC. Storage Warehouses/Distribution Centers. Enclosed facilities that typically include, but are not limited to, storage, warehousing, order fulfillment and freight handling, shipping, and trucking services to and from the premises of commercial goods, commodities, materials, supplies, and similar items for the primary purpose of supply**

***chain distribution.***

- 1. Storage Warehouses/Distribution Centers shall be conditionally permitted only in the M-1, M-2, M-IND, H-IND, U-S, I-P, FI, EMP, BC, I-PID, and I-GM zones.***
- 2. If any other section of this code or provision of a general or specific plan is inconsistent or conflicts with this subsection, the provisions of this subsection shall apply.***

The requirement for a Conditional Development Permit will allow the Planning Commission to place conditions of approval upon the development, expansion, or modification of storage warehouses, distribution centers, and related uses in all industrial zone to ensure these particular types of developments are constructed and operated continuously in manner that is consistent with the vision, objectives, and goals of the General Plan, Rialto Municipal Code, and any underlying specific plan. Additionally, a Conditional Development Permit will act as an enforcement mechanism, through either modification, suspension, or revocation of the Conditional Development Permit, on any subject storage warehouse/distribution center development and/or its tenant(s) that may be found to be operating in a nuisance condition or out of compliance with any of the required conditions of approval. Furthermore, if the proposed Ordinance is adopted, any legally existing and operating storage warehouse or distribution center use that does not have a Conditional Development Permit will become a legal non-conforming use subject to Chapter 18.60 (Nonconforming Uses).

***Planning Commission - November 20, 2019***

On November 20, 2019, the Planning Commission held a public hearing and considered oral and written testimony for the proposed Ordinance. After consideration, the Planning Commission voted 7 -0 to recommend approval of the Ordinance to the City Council. The staff report from the November 20, 2019 meeting and the adopted Planning Commission Resolution are attached (**Exhibits B & C**).

**ENVIRONMENTAL IMPACT:**

***California Environmental Quality Act***

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:

- Organizational or administrative activities of governments 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 completion of the Ordinance.

**GENERAL PLAN CONSISTENCY:**

The project is consistent with the following goals and policies of the Land Use Element of the Rialto General Plan:

**Goal 2-9:** Protect residential, schools, parks, and other sensitive land uses from the impacts

associated with industrial and trucking-related land uses, as well as commercial and retail areas.

**Policy 2-9.1:** Require mitigation and utilize other techniques to protect residential development and other sensitive land uses near industrial land uses or within identified health risk areas from excessive noise, hazardous materials and waste releases, toxic air pollutant concentrations, and other impacts.

**Goal 2-22:** Promote commercial and/or industrial development that is well designed, people-oriented, environmentally sustainable, sensitive to the needs of the visitor or resident, and functionally efficient for its purpose.

**LEGAL REVIEW:**

The City Attorney has reviewed and supports the staff report and the attached Notice of Public Hearing (**Exhibit D**).

**FINANCIAL IMPACT:**

Operating Budget Impact

The Ordinance will result in the collection of additional entitlement application fees for each new warehouse development within the City of Rialto.

Capital Improvement Budget Impact

The Ordinance does not include any development, therefore there are no financial costs associated with the Ordinance.

Business License

The adoption of an Ordinance does not require a business license.

**RECOMMENDATION:**

Staff recommends that the City Council Set a Public Hearing for January 14, 2020, to consider:

- An Ordinance to add sections to Chapter 18.66 (Conditional Development Permits) and amend Section 18.38.020 of the Rialto Municipal Code to require the approval of a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and similar uses.