



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Regular Meeting Planning Commission

Jerry Gutierrez Chair
John Peukert Vice Chair
Pauline Tidler Commissioner
Dale Estvander Commissioner
Artist Gilbert Commissioner
Al Twine Commissioner
Frank Gonzalez Commissioner
Pam Lee Asst. City Attorney
Gina Gibson Planning Manager
Angela Morales Commission Secretary

Wednesday, August 10, 2016

6:00 PM

Call To Order

Pledge of Allegiance

Roll Call

Chair Jerry Gutierrez, Vice-Chair John Peukert, Artist Gilbert, Al Twine, Dale Estvander, Pauline Tidler, Frank Gonzalez

Oral Communications from the Audience on items not on the Agenda

Planning Commission Minutes

- 1 [16-559](#) Minutes from the July 27, 2016 Planning Commission meeting
Attachments: [PC Minutes 7-27-2016](#)

- 2 [16-562](#) Minutes from the July 13, 2016 Planning Commission meeting
Attachments: [PC Minutes 7-13-2016](#)

Public Hearings

- 1 [16-543](#) **DEVELOPMENT CODE AMENDMENT NO. 16-02: AN AMENDMENT TO TITLE 18 OF THE RIALTO MUNICIPAL CODE REGULATING OUTDOOR STORAGE LAND USES AND CREATING A NEW CHAPTER 18.104 ENTITLED "OUTDOOR STORAGE USES".**
Attachments: [16-543 - PC Resolution - Outdoor storage](#)
 [16-543 - CC Ordinance Outdoor Storage](#)

Action Items

Planning Division Comments

Next Meeting: August 31, 2016

Planning Commission Comments

Adjournment



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Legislation Text

File #: 16-559, Version: 1

Minutes from the July 27, 2016 Planning Commission meeting

Minutes from the July 27, 2016 Planning Commission meeting are attached.



CITY OF RIALTO
THE REGULAR MEETING MINUTES OF
PLANNING COMMISSION
July 27, 2016- 6:00 PM

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, June 27, 2016.

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This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Vice Chair Peukert called the meeting to order at 6:00 p.m.

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PLEDGE OF ALLEGIANCE

Commissioner Estvander led those present in the salute to the flag.

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ROLL CALL

Present:

Vice Chair John Peukert
Commissioner Dale Estvander
Commissioner Frank Gonzalez
Commissioner Artist Gilbert
Commissioner Al Twine
Commissioner Pauline Tidler

Absent:

Chairman Jerry Gutierrez

Also Present:

Economic Development Manager, Greg Lantz
Planning Manager, Gina M. Gibson
Assistant City Attorney, Pam K. Lee
Administrative Assistant, Angela Morales

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**ORAL
COMMUNICATIONS**

Vice Chair Peukert declared the public hearing open and asked if there were items to address not on this agenda. Planning Manager, Gibson stated that she had no items or requests.

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**PLANNING
COMMISSION
MEETING MINUTES**

Vice Chair Peukert stated that the next item on the agenda is Planning Commission Meeting Minutes. Planning Manager, Gibson stated that the minutes from the July 13, 2016 meeting will be reviewed at the August 10, 2016 meeting.

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PUBLIC HEARING

Vice Chair Peukert stated that there are no Public Hearing items to review.

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ACTION ITEMS

Vice Chair Peukert stated that there are no Action Items to review.

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**PLANNING DIVISION
COMMENTS**

Vice Chair Peukert stated that the next item on the agenda is **Planning Division comments.**

Planning Manager, Gibson announced that the next Planning Commission meeting is scheduled on August 10, 2016. In addition, she presented the draft version of the Planning Commission Annual Update report. She commented that all members of the Planning Division and Administrative staff contributed to the report. The Planning Commission annual report includes some of the following items: updates on recent projects, budget information and attendance records.

Commissioner Tidler, Commissioner Gonzalez and Commissioner Gilbert expressed their concerns regarding the formatting of the document. Planning Manager, Gibson reassured the Commission that this is only a draft version and that the document still requires a few edits. Once the final version is completed, it will be scheduled for a formal review by the Planning Commission and the City Council.

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**PLANNING
COMMISSION
COMMENTS**

Vice Chair Peukert stated that the next item on the agenda is **Planning Commission comments.**

Economic Development Manager, Lantz presented to the Commission an Economic Development update, specifically in regards to Industrial Development. A few highlights of the presentation include:

PLANNING
COMMISSION
COMMENTS

Rialto makes up:

- 12 - 13% of the industrial base in the Inland Empire East
- 5.25% of the industrial base in the entire Inland Empire

Rialto Market Data

- Buildings under 10,000 sq. ft. have a vacancy rate of 0.23% and an available rate of 0.7%
- Buildings 25,000-249,999 sq. ft. have a vacancy rate of -.12% and an available rate of -6.3%
- Buildings 250,000 & Greater have a vacancy rate of 3.60% and an available rate of 6.3%

Future Build Out – Absorption

		<u>Remaining Build Out</u>
Assumption	Large (200K+)	15,000,000
	Medium (20 - 200K)	2,000,000
	Small Under 1 -20K	1,000,000
		=====
		18,000,000

The estimated jobs created annually and job growth in the region were further illustrated with the help of the data within a chart.

Assessed Value- Property Taxes

The overall property tax is at a low of \$104,597.50 and a high of \$163,325.00 given into account business parks, medium and large warehouses.

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Commissioner Estvander asked what involvement Monster Energy will have with the community.

Planning Manager, Gibson replied and stated that the involvement will probably be monetary compensation. However, Monster Energy did not mention a dollar amount.

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Economic Development Manager, Lantz and the Commission briefly discussed the benefits that the redevelopment agency once offered to the city and to the community. Unfortunately, the California Superior Court upheld legislation that ended the program.

Commissioner Tidler commented that the RDA cuts hurt several cities, including the City of Rialto.

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PLANNING
COMMISSION
COMMENTS

Commissioner Gilbert inquired if the larger developers can contribute to city's recreation and park divisions.

Economic Development Manager, Lantz replied and stated that the city always tries to get investors to help the community on an ongoing basis.

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Vice Chair Peukert asked Ms. Gibson if a copy of the presentation and handouts could be mailed to Chairman Jerry Gutierrez.

Planning Manager, Gibson replied and stated yes, we always do.

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Planning Manager, Gibson presented to the Commission with an overview of the Planning Commissioner's role in CEQA. A few highlights of the presentation included:

Purposes of CEQA

Ensure that governmental decision makers make informed decisions regarding the potential significant environmental impacts of proposed activities. Inform the public about the potential significant environmental impacts of proposed activities being considered by governmental decision makers. Hold governmental decision makers accountable for their decisions regarding potential environmental impacts, requiring them to articulate reasons for their decisions.

Public Agency Role

Must mitigate significant environmental impacts if feasible

- or explain why mitigation is not feasible

Must adopt environmentally beneficial alternatives if feasible

- or explain why not

Significant Environmental Impacts

Encompasses wide range of possible impacts which may include: Aesthetics, Agricultural land, Air quality, Biological resources, Cultural resources – historic, archaeological, Geology and soils – earthquakes, landslides, etc., Greenhouse gas, Hazards and hazardous materials – includes consideration of airport-related impacts, wildfires, etc.

When does CEQA apply?

Activities undertaken by a public agency

- Adoption of general plan or zoning ordinance

Public works project

PLANNING
COMMISSION
COMMENTS

- Activities financed by a government agency
- Private activities which require *discretionary* approval from a government agency
- Tentative subdivision map
- Conditional use permit or Variance

Evaluating Impacts

- Direct vs. Indirect or Secondary Impacts
- Thresholds of Significance for Impacts
- Cumulative Impacts

Mitigation of Impacts

Mitigation” means:

- Avoid the impact
- Minimize the impact
- Rectify the impact through repair, rehabilitation, or restoration
- Reduce the impact
- Compensate for the impact by replacing or providing substitute resources or environments (e.g. habitat preserves)

Negative Declaration

Initial Study checklist, supported by narrative analysis:

- May only be adopted if there is NO substantial evidence supporting a “fair argument” that the project “may” have a significant environmental impact
- Public Review Period – 20 or 30 days

If the Initial Study identifies potentially significant impacts:

- Agency adopts mitigation measures to justify negative declaration.
- CEQA document called a Mitigated Negative Declaration

Public Review Period – 20 or 30 days

- No requirement to respond to public comments, but it is good practice

EIR Process

Notice of Preparation

- Consultation with responsible and trustee agencies
- May include consultation with other members of public
- Determination of the scope of the EIR

Draft EIR

- Notice of Completion
- Consultation with responsible, trustee, and other public agencies
- Circulation for public review and comment – 30 or 45 day period

Final EIR

- Written response to all comments raising environmental issues
- Written “proposed response” to comments from public agencies at least 10 days prior to certification
- Revisions to the Draft EIR

Adoption of CEQA findings

- Certification of EIR
- Adoption of Mitigation Monitoring and Reporting Program

**PLANNING
COMMISSION
COMMENTS**

- Statement of Overriding Considerations

Notice of Determination

- Filed with the county clerk (and sometimes the State Clearinghouse) within 5 days after a project is approved
- Must be posted for 30 full days
- Triggers the 30 day statute of limitations for bringing CEQA lawsuit
- Cannot be filed until project is approved (mere EIR certification is not enough)
- Filing multiple NODs for subsequent approvals for the same project
- Department of Fish and Wildlife fees
- Notice of Exemption similarly used for exempt projects

In closing, Planning Manager, Gibson stated that the Planning Commission serves as an advisory body to City Council for EIR's and Addendums to EIR's. Planning Commission has authority to grant final approval for Negative Declarations or Mitigated Negative Declarations.

The Commission thanked Ms. Gibson for the insightful presentation.

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ADJOURNMENT

Motion by Commissioner Estvander, seconded by Commissioner Twine and carried by a 4-0 vote that the meeting be adjourned. Chairman Jerry Gutierrez was absent.

The Regular Planning Commission meeting adjourned at 7:00 p.m.

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Commission Secretary, Angela Morales
Planning Commission

Vice Chair, John Peukert
Planning Commission



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Legislation Text

File #: 16-562, Version: 1

Minutes from the July 13, 2016 Planning Commission meeting

Minutes from the July 13, 2016 Planning Commission meeting are attached.



CITY OF RIALTO
THE REGULAR MEETING MINUTES OF
PLANNING COMMISSION
July 13, 2016- 6:00 PM

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, June 13, 2016.

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This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Chairman Gutierrez called the meeting to order at 6:01 p.m.

o0o

PLEDGE OF ALLEGIANCE

Chairman Gutierrez led those present in the salute to the flag.

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ROLL CALL

Present:

Chairman Jerry Gutierrez
Vice Chair John Peukert
Commissioner Dale Estvander
Commissioner Frank Gonzalez
Commissioner Artist Gilbert
Commissioner Al Twine
Commissioner Pauline Tidler

Also Present:

Assistant City Administrator/Development Services Director, Robb R. Steel
Planning Manager, Gina M. Gibson
Assistant City Attorney, Pam K. Lee
Administrative Assistant, Angela Morales

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ORAL COMMUNICATIONS

Chairman Gutierrez declared the public hearing open and asked if there were items to address not on this agenda. Planning Manager, Gibson stated that he had no items or requests.

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PLANNING
COMMISSION
MEETING MINUTES

Chair Gutierrez stated that the next item on the agenda was approval of the minutes for the meeting of June 29, 2016. Gutierrez stated that if there were no changes to the minutes he would entertain a motion.

Motion by Commissioner Estvander, seconded by Commissioner Peukert to approve the minutes as submitted. Motion carried 4-0-1. Commissioner Gilbert abstained from the vote due to absence.

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Chair Gutierrez stated that the next item on the agenda was approval of the minutes for the meeting of June 8, 2016. Chair Gutierrez stated that if there were no changes to the minutes he would entertain a motion.

Motion by Commissioner Twine, seconded by Commissioner Tidler to approve the minutes as submitted. Motion carried 2-0-3. Vice Chair Peukert, Commissioner Gonzalez, and Commissioner Estvander abstained from the vote due to absence.

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Chair Gutierrez stated that the next item on the agenda was approval of the minutes for the meeting of May 25, 2016. Chair Gutierrez stated that if there were no changes to the minutes he would entertain a motion.

Motion by Commissioner Estvander, seconded by Commissioner Twine to approve the minutes as submitted. Motion carried 4-0-1. Commissioner Gilbert abstained from the vote due to absence.

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PUBLIC HEARING
Conditional Development
Permit No. 816 &
Environmental Assessment
Review No. 16-33

Chairman Gutierrez stated that the next item on the agenda is Conditional Development Permit No. 816 & Environmental Assessment Review No. 16-33.

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Planning Manager, Gibson presented the staff report and presentation to the Commission.

Monster Energy, located at 1 Monster Way, Corona CA 92879 filed a request to construct a 1,094,900 square feet industrial building located at the northeast corner of Locust Avenue and Miro Way (48.9-acre site). The property is formerly owned by the Rialto Airport and is adjacent to the site on the north; Miro Way lies to the south; and Locust Avenue lies to the east. Currently, the legal parcel as shown on the Site plan does not exist and must be conveyed from the City to the developer by a metes and bounds survey. The survey will not

PUBLIC HEARING

Conditional Development
Permit No. 816 &
Environmental Assessment
Review No. 16-33

address the merger of the individual parcels into one developable lot and Monster Energy will file either a Tentative Map or a Lot Merger shall be filed to consolidate the lots into one 48.8-acre site. Two remainder parcels will be created as a result of creating the subject parcel, which will be required to meet the minimum lot depth, width, and size or be merged with existing adjacent parcels.

The proposed development is subject to the standards set forth in the Renaissance Specific Plan approved in 2010. This report analyzes development plans submitted to the Planning Division on July 7, 2016. Monster Energy will modify the plans to meet the development standards of the Renaissance Specific Plan (RSP) and the City's Design Guidelines. The site area has already been analyzed for environmental purposes and is not different than what has been done before.

Some of the particulars of the warehouse include:

- The size of the building is over 1,000,00 s.f
- 407 auto spaces
- Construction is expected to commence in 2016
- Wireless communication facility is located on Miro Way which remain a part of the facility
- At the Precise Plan of Design stage our Economic Development Manager will work very closely with the developer regarding the conditions of approval

Per the RSP Business Center Standards, the standard lot width minimum is 200 feet and the proposed project has 1,798.5 feet along Miro Way; the standard lot depth minimum is 200 feet and the project has 1,119 feet along Locust Avenue. The project must be modified to meet the standards in the Renaissance Specific Plan. First, the Resolution includes a Condition of Approval requiring specification of the dimensions of the parking area and the parking lot landscaped areas on the site plan and landscape plan. Second, the Resolution also includes a Condition of Approval addressing the minimum screening height for the wall. The proposed 14-foot screen wall is the minimum height needed to screen the dock doors. The wall height may increase from 14 feet depending on the manner in which the site is graded. Third, the Resolution includes a Condition of Approval requiring architectural articulation to create variation in the building height and wall depth every 150 linear feet. Lastly, the Resolution includes a Condition of Approval requiring compliance with the General Business Standards for Refuse and Recycling, Walls and Fences, Screening, Property Maintenance, Lighting, Noise Control, Operational Restrictions, Transportation Control Measures. The Renaissance Specific Plan requires these general business standards for all non-residential development.

The site access is consists of three full-movement driveways - two on Locust Avenue and one on Miro Way. Looking at traffic at a glance, Project Trip

PUBLIC HEARING

Conditional Development
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Generation: ITE Warehouse (Land Use 150), 60% passenger cars, 40% trucks split; Project level trips in Passenger Car Equivalent (PCE), 549 AM PCE trips, 589 PM PCE trips and 6,533 daily PCE trips. The opening year is projected to be 2017. There are currently 21 cumulative projects in the Renaissance Specific Plan. The cumulative traffic volumes are as follows: AM: 5,366 trips, PM: 6,453 trips, and Daily: 76,861 trips.

There are several improvements that this developer will make which include: Water, sewer, and power extensions to the project site will be extended from existing or from future lines in Locust Avenue and Miro Way as designated in the infrastructure and utility maps in the Specific Plan. The project site is located within a larger tributary of the Cactus Basin System. Ultimately, the site will discharge storm water to Storm Line C in Miro Way and discharge into Basin 3 of the Cactus Basin System. Line C is a constructed 78-inch storm sewer in Miro Way between Locust Avenue and Linden Avenue fronting the project site. Cactus Basin 3 has not been constructed to its ultimate condition and the County Flood Control District limits storm water discharges. As such, on-site in detention basins will detain the near-term storm water will be detained, which will function as infiltration basins in the near-term condition. Once the Flood Control District constructs Cactus Basin 3 to its ultimate condition, the detention basins will discharge into a 42-inch reinforced concrete pipe (RCP) storm drain, which will connect to the 78-inch storm sewer within Miro Way. Any other improvements required as a part of the proposed Project would either be completed as a part of the Project or through the payment of fair-share fees.

In terms of economic benefit which is a term that comes up frequently. The applicant will pay development impact fees to the City to mitigate the capital facility burdens upon the City. The applicant will pay approximately \$5,500,000 for various development impact and fair share fees levied by Ordinance as identified in the Traffic Impact Analysis. The project will generate approximately \$201,200 in direct annual recurring revenues to the City General Fund. The applicant will pay increased property taxes, business license taxes, and utility taxes as estimated in the table below. The project will also produce indirect revenues to the City, such as sales taxes from employee purchases. Furthermore, the project will generate approximately 150 jobs with a warehouse use tenant. Not only will the project provide additional employment opportunities for City of Rialto residents, but it will also result in employees spending their discretionary income as they frequent local restaurants, gas stations, and other local businesses.

Planning Manager, Gibson explained to the Commission that the project is moving its headquarters from Corona, California to the City of Rialto. The corporate presence in Renaissance is growing (Niagara, Medline, and Under Armour) to name a few.

PUBLIC HEARING

Conditional Development
Permit No. 816 &
Environmental Assessment
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The City of Rialto is the Lead Agency as set forth in CEQA Section 21067 and is responsible for reviewing and approving the Addendum to the Renaissance Specific Plan Final EIR. The City will consider the following discretionary approvals for the Monster Energy Distribution Center Project:

- Addendum to the 2010 Program EIR
- Conditional Development Permit (CDP)
- Precise Plan of Design (PPD)

An Addendum to the Renaissance Specific Plan Final EIR (Final EIR) and associated technical studies evaluate the potential impacts associated with the construction and operation of the project. The addendum and the associated technical studies are included as an attachment to this report.

It is recommended that the Planning Commission adopt a resolution approving Conditional Development Permit No. 816; and adopt a resolution approving the Addendum (E.A.R. 16-33) to the previously certified Environmental Impact Report for Renaissance Specific Plan.

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Planning Manager, Gibson commented that there is a memorandum on the dais, which is a correspondence letter from Lozeau & Drury that staff received in opposition of the project. To summarize the letter, issues included: air quality, greenhouse gas, traffic and hazardous waste. Lozeau & Drury is asking the Planning Commission to without approval of this project until the supplement EIR is approved later this year.

Assistant City Attorney, Lee stated that Lozeau & Drury believes that the area where Monster is going has not been accurately analyzed under the existing EIR. Hence, the fact why a supplement EIR is being done. In short, the union is concerned with the new industrial space that is proposed.

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Chairman Gutierrez stated that before we open the public hearing, are there any specific questions of staff.

Commissioner Gonzalez asked for clarification if there would be any major problems if the commission decides to hold on it.

Assistant City Attorney, Lee replied and stated that the bottom line that this project has already been analyzed under the 2010 EIR along with the addendum. Tonight, the commission can approve everything without violating any issues.

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PUBLIC HEARING

Conditional Development
Permit No. 816 &
Environmental Assessment
Review No. 16-33

Chairman Gutierrez stated this was now time to open the public hearing and asked if there was anyone to address the item.

Mark Ostoich, representative for Monster Energy- 550 E. Hospitality Lane, San Bernardino, CA 92408 addressed the Commission by completing an Oral Communications form. He commented that he felt Ms. Gibson's staff report is complete and excellent. But, should the Commission have questions or concerns other team staff members are present which included Kimley-Horn HPA and others. Mr. Ostocih presented the Commission with a power point presentation which highlighted the following facts.

- Forbes Magazine named Monster beverage Corp. as one of the most innovate companies in 2014
- A large portion of the warehouse will house equipment for Racing, Music etc., for marketing
- 23 consecutive years of increased sales growth since 1992
- Achieved \$1 billion in gross sales in 2007
- Achieved \$2 billion in gross sales in 2012
- Achieved \$2.8 billion in gross sales in 2014, trending towards \$3 billion in gross sales in the near future
- Active supporter in the community
- Green facility
- Business model is Wholesale
- 24 hours of operation

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The Commission asked for further information and data regarding the salary and job categories. Planning Manager, Gibson stated that the information was provide Economic Development meeting and discussed at length per Councilmember Ed Scott and Mayor Deborah Robertson.

Mr. Ostocih stated he may have someone here that has that information. He then asked the Commission if could be excused for a moment to search for the information.

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Planning Manager, Gibson announced a 5 minute recess at 6:40 p.m.

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Chair Gutierrez reconvened the meeting at 6:46 p.m.

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PUBLIC HEARING

Conditional Development
Permit No. 816 &
Environmental Assessment
Review No. 16-33

Mr. Ostocih provided the Commission with a more detailed category of salaries. He highlighted the following annual salaries (but not limited to):

- Administrative \$28,000- \$43,000
- Customer Service \$47,000- \$75,000
- Directors \$95,000-\$163,000

Majority of all positions will be paid over \$15.00 per hour.
Vice Chair Peukert asked if there is manufacturing done at the warehouse.

Mr. Ostocih replied and stated, no. The beverages are a private label and use Niagara water.

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Motion by Commissioner Twine, second by Commissioner Gilbert and carried by a 5-0 vote to close the public hearing.

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Motion by Commissioner Estvander, second by Commissioner Twine and carried by a 2-0 vote to recommend that City Council approve Environmental Assessment Review No. 16-33, an Addendum to the previously certified Environmental Impact Report (EIR) for the Renaissance Specific Plan contained in Resolution No. 16-25. Motion carried 5-1-1. Chairman Gutierrez opposed and Vice Chair Peukert abstained.

Motion by Commissioner Estvander, second by Commissioner Twine to approve Conditional Development Permit No. 816, a request to allow a 1,094,900 square foot distribution center for Monster Energy within the Business Center (B-C) Zone of the Renaissance Specific Plan located at the northeast corner of Locust Avenue and Miro Way subject to the findings and conditions contained in Resolution No. 16-26. Motion carried 5-1-1. Chairman Gutierrez opposed and Vice Chair Peukert abstained.

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**PLANNING DIVISION
COMMENTS**

Chairman Gutierrez stated that the next item on the agenda is **Planning Division comments.**

Planning Manager, Gibson announced that the next Planning Commission meeting is scheduled on July 27, 2016. In addition, she stated that at the next Planning Commission meeting, a power point presentation will be given pertaining to CEQA.

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Chairman Gutierrez stated that the next item on the agenda is **Planning Commission comments.**

**PLANNING
COMMISSION
COMMENTS**

The Planning Commission then discussed the following topics:

- Pros/Cons of large warehouses vs. small warehouses
- Utility tax
- Point of sales
- Industrial development within the Renaissance Specific Plan
- Lytle Creek (housing)
- Golden Corral- No letter of intent currently filed with Rialto
- Smart & Final has identify a few sites, in particular off of Foothill and Cedar Avenue

Commissioner Tidler closed and stated that she feels the Transportation Committee does a wonderful job.

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ADJOURNMENT

Motion by Commissioner Estvander, seconded by Commissioner Twine and carried by a 5-0 vote that the meeting be adjourned.

The Regular Planning Commission meeting adjourned at 7:12 p.m.

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Commission Secretary, Angela Morales
Planning Commission

Chairman, Jerry Gutierrez
Planning Commission



City of Rialto

Council Chambers
150 S. Palm Ave.
Rialto, CA 92376

Legislation Text

File #: 16-543, Version: 1

For the Planning Commission Meeting of August 10, 2016

TO: Honorable Chair and Members of the Planning Commission

APPROVAL: Robb Steel, Asst. CA/Development Services Director

FROM: Gina M. Gibson, Planning Manager

DEVELOPMENT CODE AMENDMENT NO. 16-02: AN AMENDMENT TO TITLE 18 OF THE RIALTO MUNICIPAL CODE REGULATING OUTDOOR STORAGE LAND USES AND CREATING A NEW CHAPTER 18.104 ENTITLED "OUTDOOR STORAGE USES".

APPLICANT:

City of Rialto

LOCATION:

Citywide

BACKGROUND:

In the last year, the City experienced a significant increase in the number of businesses wanting to develop new truck parking facilities, pallet yards, and/or other outdoor storage intensive uses. Although these businesses provide a necessary service to the business community, in most instances, the City would prefer more intense development to maximize economic development benefits such as jobs and tax revenues.

On April 26, 2016, the City Council adopted Interim Urgency Ordinance No. 1567 that established a 45-day moratorium on the approval or processing of development applications and permits for all truck parking, pallet yards, and other outdoor storage intensive uses within the City of Rialto.

After the 45-day period, the moratorium expired and the City Council requested that staff draft an ordinance to regulate outdoor storage facilities for consideration and denied a request to extend the moratorium on June 14, 2016. Accordingly, staff drafted Development Code Amendment No. 16-02, an ordinance to add a new chapter to the Rialto Municipal Code entitled "Outdoor Storage Uses" (Proposed Ordinance").

The Economic Development Committee reviewed the Proposed Ordinance and directed staff to forward the Proposed Ordinance to the Planning Commission on July 20, 2016.

ANALYSIS/DISCUSSION:

Draft Ordinance

Under the Proposed Ordinance, all new outdoor storage facilities will require a conditional development permit approved by the Planning Commission and a site plan review by the Development Review Committee. Additionally under the Proposed Ordinance, all new outdoor storage facilities will be subject to performance standards. Such performance standards include, but are not limited to, the following:

- Outdoor storage facilities will be permitted in the M-1, M-2 zone, M-IND, H-IND zones;
- Storage areas must be completely enclosed from public view by any combination of buildings, structures, or fences, which shall be a minimum of eight feet in height;
- Storage or material shall not exceed the height of any screening, fence, building or structure;
- A minimum landscaped setback area of ten feet;
- On-site parking must meet the standards of Chapter 18.58 [Off-Street Parking] of the Rialto Municipal Code;
- All facilities must pay a fee, including a regional traffic impact fee, as analyzed by the City; and
- Outdoor storage facilities shall be subject to a separation distance requirement of three-quarters of a mile from the next nearest outdoor storage facility.

Stakeholders

Although existing storage facilities will not be required to obtain a conditional development permit, they will become legal non-conforming uses. Thus, staff will engage the owners/operators of all affected facilities in a proactive process to identify compliance issues. Existing facilities that agree to comply with the new performance standards will be exempt from the conditional development permit process. Existing facilities that do not wish to implement the performance standards will be subject to Chapter 18.60 [Nonconforming Uses] of the Rialto Municipal Code. Under the Chapter 18.60 of the Code, existing nonconforming storage facilities may not increase or enlarge the area space or volume occupied by the use and may not discontinue such use for one year or more. If existing nonconforming storage facilities violate one of the above provisions, such uses must then be required to obtain a conditional development permit. A stakeholder meeting will be scheduled this month to discuss the proposed Ordinance and solicit comments.

Fee Assessment

The City of Rialto currently assesses most of its development impact fees (except for storm drains, water and wastewater) based upon a formula that multiplies the square footage of building area by a rate factor. This method of assessment works fine for typical industrial developments with building intensities ranging from 0.40 - 0.50 FAR (floor area ratio); however these “*storage intensive*” uses typically have very limited building/square footage to assess. Consequently, “*storage intensive*” uses pay little or no development impact fees (DIF), although they may create significant traffic impacts and other demands for City services like police and fire. The City should consider a modification to the current methodology fairly assessing development impact fees on these types of uses.

In December 2011, the City addressed this issue for the Storm Drainage DIF by adopting Resolution 6068, which revised the Storm Drainage DIF Nexus Study and established a DIF based upon the higher of (a) the per square foot of building basis or (b) the per acre of land assessment

methodology.

On March 29, 2016, City the Economic Development Committee (EDC) recommended that the City Council consider adopting a moratorium on the processing, approval and permitting of these “*storage intensive*” uses until this analysis can be completed, considered, and implemented.

The proposed ordinance requires a Nexus Study to determine the fee amount to assess and the basis to allocate fees for outdoor storage facilities. Staff will hire a consultant to prepare the Nexus study and bring it before the EDC for review. The proposed ordinance states that new facilities will be subject to applicable fees.

GENERAL PLAN CONSISTENCY:

The proposed Ordinance is consistent with the Rialto General Plan Land Use Element, Light Industrial Designation:

- LI - Light Industrial (Intensity: maximum 1.0 FAR): Outdoor storage areas must be screened from view.

The proposed Ordinance is consistent with the Rialto General Plan Goals and Policies:

- Policy 2-3.3: Enforce code enforcement actions to advance maintenance of commercial and industrial properties, storage areas, landscaping, and other maintenance issues
- Goal 2-11: Design streetscapes in Rialto to support and enhance the City’s image as a desirable place to live, work, shop, and dine.
- Policy 2-11.1: Require the screening of commercial or industrial parking areas, storage yards, stockpiles, and other collections of equipment from the public right-of-way
- Policy 2-22.7: Require outdoor storage areas, where permitted, to be screened from public view.

ENVIRONMENTAL IMPACT:

The California Environmental Quality Act (“CEQA”) applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (Section 15061(b)(3) of Title 14 of the California Code of Regulations.) The proposed Code Amendment will not have a significant effect on the environment, because it will prohibit a specific land use and reduce potential significant adverse environmental impacts. It is therefore exempt from CEQA pursuant to Section 15061(b)(3) of the California Code of Regulations.

PUBLIC NOTICE:

Public hearing notices of the proposed Project were mailed to all property owners within 300 feet of

the Site and published in the newspaper as required by State law.

FINANCIAL IMPACT:

The proposed ordinance requires a Nexus Study to determine the fee amount to assess and the basis to allocate fees for outdoor storage facilities. Staff will hire a consultant to prepare the Nexus study and bring it before the EDC for review. The proposed ordinance states that new facilities will be subject to applicable fees.

The financial impacts are unknown at this time, but the regional traffic impact fees and expected nexus fee study should provide revenue for the City to offset any burdens or adverse impacts of these types of development.

RECOMMENDATION

Staff recommends the following to the Planning Commission:

1. Consider oral and written testimony for the Proposed Ordinance (Development Code Amendment No. 16-02); and
2. Waive further reading and approve A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO . 16-02, AN AMENDMENT TO TITLE 18 OF THE RIALTO MUNICIPAL CODE REGULATING OUTDOOR STORAGE LAND USES AND ADDING A NEW CHAPTER 18.104 ENTITLED "OUTDOOR STORAGE USES".

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO . 16-02, AN AMENDMENT TO TITLE 18 OF THE RIALTO MUNICIPAL CODE REGULATING OUTDOOR STORAGE LAND USES AND ADDING A NEW CHAPTER 18.104 ENTITLED “OUTDOOR STORAGE USES”

WHEREAS, the City of Rialto experienced a significant increase in the number of requests for truck parking facilities, pallet yards and other outdoor storage intensive uses; and

WHEREAS, on April 26, 2016 the City Council adopted Interim Urgency Ordinance No. 1657 that established a 45-day moratorium on the approval or processing of development applications and permits for all truck parking, pallet yards and other storage intensive uses within the City of Rialto; and

WHEREAS, after the 45-day period, the moratorium expired and the City Council denied a request to extend the moratorium and directed staff to draft an Ordinance to regulate storage facilities for consideration by the full Council; and

WHEREAS, the Economic Development Committee held a meeting on July 20, 2016 and directed staff to forward the Ordinance to the Planning Commission for consideration; and

WHEREAS, on August 10, 2016 the Planning Commission conducted a duly noticed public hearing at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed Ordinance Amendment; and after considering both oral and written testimony, closed the public hearing; and

WHEREAS, the proposed amendment to the Rialto Municipal Code is exempt from the requirements of the California Environmental Quality Act (CEQA);

WHEREAS, in light of the findings and determinations set forth herein and further advanced during the public hearing on this matter, the City now desires to amend the Rialto Municipal Code to regulate Outdoor Storage Uses, as provided in the proposed ordinance amendment attached hereto as Exhibit 1 (“Ordinance Amendment”); and

WHEREAS, the provisions of the proposed Ordinance Amendment would affect all properties in industrial zones; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

1 **NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RIALTO,**
2 **CALIFORNIA DOES HEREBY RESOLVE AND RECOMMEND AS FOLLOWS:**

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

4 SECTION 2. Based on substantial evidence presented to the Planning Commission during the
5 public hearing conducted with regard to the proposed Ordinance Amendment, including written staff
6 reports, verbal testimony, project plans, other documents, and the conditions of approval stated herein, the
7 Planning Commission hereby determines that the proposed Ordinance Amendment satisfies the
8 requirements of Government Code Sections 65855 and 65860 pertaining to the findings which must be
9 made precedent to amending a zoning ordinance. The findings are as follows

- 10 1. The proposed Ordinance Amendment is consistent with the goals, policies, and
11 objectives of the General Plan.

12 *This finding is supported by the following facts:*

13 The proposed Ordinance Amendment is consistent with the General Plan. The proposed
14 Ordinance is consistent with the Rialto General Plan Land Use Element, Light Industrial
15 Designation:

- 16 • LI - Light Industrial (Intensity: maximum 1.0 FAR): Outdoor storage areas must be
17 screened from view.

18 The proposed Ordinance is consistent with the Rialto General Plan Goals and
19 Policies:

- 20 • Policy 2-3.3: Enforce code enforcement actions to advance maintenance of
21 commercial and industrial properties, storage areas, landscaping, and other
22 maintenance issues
- 23 • Goal 2-11: Design streetscapes in Rialto to support and enhance the City's image as
24 a desirable place to live, work, shop, and dine.
- 25 • Policy 2-11.1: Require the screening of commercial or industrial parking areas,
26 storage yards, stockpiles, and other collections of equipment from the public right-
27 of-way
- 28 • Policy 2-22.7: Require outdoor storage areas, where permitted, to be
 screened from public view.

2. The proposed Ordinance Amendment will not adversely affect surrounding
 properties.

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This finding is supported by the following facts:

The City has an over-proliferation of truck parking facilities, pallet yards, and other outdoor storage-intensive uses, as evidenced by the number of existing facilities and large number of development applications for outdoor storage-intensive facilities.

Currently there are inadequate land use controls and zoning regulations in place to address the size, number, and location of outdoor storage-intensive facilities within the City.

- 3. The proposed Ordinance Amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

This finding is supported by the following facts:

The proposed Ordinance Amendment will regulate outdoor storage uses within the City limits and will help protect the public peace, health, and safety of the City and its residents. It will also mitigate or reduce inadequate land use controls and zoning regulations that lead to development of additional outdoor storage-intensive facilities that are inconsistent with the best economic interest of the community. Without land use controls, these uses pose a current and immediate threat to the general public and adjacent properties, and may have adverse impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within the City.

SECTION 3. The Planning Commission hereby recommends that the City Council of the City of Rialto approve the attached proposed Ordinance Amendment to the Rialto Municipal Code.

SECTION 4. The Chair of the Planning Commission shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

JERRY GUTIERREZ, Chair

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.66.030 OF THE RIALTO MUNICIPAL CODE REGARDING THE USE OF OUTDOOR STORAGE AND CREATING A NEW CHAPTER 18.104 ENTITLED "OUTDOOR STORAGE USES"

WHEREAS, upon review within the City and local market area, the City appears to have an over-proliferation of truck parking facilities, pallet yards, and other outdoor storage-intensive uses, as evidenced by the number of existing facilities and large number of development applications for outdoor storage-intensive facilities in the City; and

WHEREAS, the Planning Division and City Council, upon review of the existing zoning ordinance has determined there are inadequate land use controls and zoning regulations in place to adequately address the size, number, and location of outdoor storage-intensive facilities within the City; and

WHEREAS, inadequate land use controls and zoning regulations will lead to development of additional outdoor storage-intensive facilities that are inconsistent with the best economic interest of the community, will decrease the ability of the City to regulate these developments in a manner that will protect the general public and adjacent properties, and may have adverse impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within the City, all of which pose a current and immediate threat to public health, safety, and welfare; and

WHEREAS, the City Council of the City finds that the continued development of these outdoor storage-intensive uses within the City, without such adequate land use controls and zoning regulations, will result in the aforementioned threats to public health, safety, and/or welfare; and

WHEREAS, the City Council desires to amend its code to require that all outdoor storage uses obtain conditional use permits prior to operating in the city; and

WHEREAS, the City Council desires to establish specific criteria and guidelines for outdoor storage uses, including outdoor storage of goods, materials ,machines, vehicles, and other equipment; and

1 **WHEREAS**, the City Council desires to promote economic vitality and sustainability of
2 businesses within the community, while still protecting the general health, safety, and welfare of the
3 public, by regulating the use of outdoor storage areas and location of such uses; and

4 WHEREAS, on August 10, 2016, the Planning Commission held a public hearing on
5 Development Code Amendment 16-02, an amendment to Title 18 of the Rialto Municipal Code to
6 add a new Chapter 18.104 entitled “Outdoor Storage Uses” that establishes regulations on outdoor
7 storage-intensive uses (“Ordinance Amendment”), where it heard testimony and discussed the
8 Ordinance Amendment and recommended to the City Council approval of the same.

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

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

13 **Section 2.** Section 18.66.030 of the Rialto Municipal Code hereby is amended to add
14 Outdoor Storage Uses to the list of “Permitted Uses” requiring a conditional development permit:

15 “BB. Outdoor Storage Uses. Establishments that engage primarily in the outdoor
16 storage of goods, materials (except temporary storage of construction materials
17 associated with an active building permit), machines, vehicles, trailers, and other
18 equipment and subject to the following:

19 1. This use shall be conditionally permitted only in the M-1, M-2 M-
20 IND, H-ND, I-GM zones.

21 2. This use shall comply with chapter 18.104 of the Rialto Municipal
22 Code.”

23 **Section 3.** A new Chapter 18.104, entitled “ Outdoor Storage Uses: is hereby added to
24 the Rialto Municipal Code to read in full as follows:

25 **“Chapter 18.104 – Outdoor Storage Uses**

26 **Sections:**

27 **18.104.010 Purpose.**

28 **18.104.020 Applicability.**

18.104.030 Performance standards.

- 1 **18.104.040 Site Location Criteria.**
- 2 **18.104.050 Review and Approval Process.**
- 3 **18.104.060 Building, grading and electrical permits.**

4 **18.104.010 Purpose.** This section establishes requirements for the outdoor
5 storage of goods, materials (except temporary storage of construction materials
6 associated with an active building permit), machines, vehicles, trailers, and other
7 equipment. The purpose of these regulations is to provide adequate and convenient
8 areas for outdoor storage and display of materials, merchandise, and equipment in
9 industrial zones. The intent of these regulations is to minimize visual impacts to
10 adjacent properties and public rights-of- way and to protect public health, safety
11 and welfare due to the over development of these storage intensive facilities within
12 the City of Rialto by controlling the number, size, and location of these facilities.

13 **18.104.020. Applicability.** The requirements of this chapter shall apply to all
14 outdoor storage in zoning districts in which the use is permitted, pursuant to Section
15 18.66.030. This chapter shall not apply to outdoor storage uses that are incidental
16 or ancillary to other primary uses on the same property as defined by Section
17 18.04.040 of the Rialto Municipal Code or to existing uses as of the effective date
18 of this ordinance. Existing outdoor storage uses shall be subject to the regulations
19 and guidelines of chapter 18.60, Non-conforming Uses of the Rialto Municipal
20 Code.

21 **18.104.030 Performance Standards.**

22 A. All outdoor storage areas shall be completely enclosed by any
23 permitted combination of buildings, structures, walls, and fencing. Such walls and
24 fencing shall be a minimum of 8 feet in height and shall be designed to completely
25 screen all stored materials from view from non-industrialized areas at an elevation
26 of 5 feet above the grade of all abutting properties and rights-of-way.
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1 B. Access gates and doors may be constructed of open wrought iron if
2 a perforated metal screen or other durable material is incorporated into the design
3 that obscures views through the gate.

4 C. The screen wall shall not be located within any required front yard or
5 street side yard setback area.

6 D. A landscaped area with a minimum dimension of 10 feet shall be
7 provided in front of each wall if no landscape setback is otherwise required by the
8 zone in which it is located.

9 E. Outdoor storage areas shall not be visible from public streets, freeways,
10 residential district, public open space area, parking area, access driveway, or similar
11 thoroughfare.

12 F. Outdoor storage is subject to all applicable fire, health, safety, and
13 building regulations.

14 G. Outdoor storage shall not impede the growth or maintenance of required
15 landscaping.

16 H. All stored items shall be completely screened by solid fences, walls,
17 buildings, or landscape features, or by a combination of screening elements. Stored
18 items shall not exceed the height of the screening element.

19 I. The storage area is screened by solid fences, walls, or buildings, or a
20 combination thereof, not less than 8 feet in height. If screening of the merchandise,
21 material, or equipment requires a screening height greater than 8 feet, the storage
22 area and the screening fences, walls, or buildings shall be located on the rear half
23 of the lot, away from any public right-of-way.

24 J. No merchandise, material, or equipment shall exceed the height of the
25 screening fence, wall, or building.

26 K. Storage is permitted in required side and rear yards. Storage is not
27 permitted in required front or street side yards.

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L. No merchandise, material, or equipment shall be stored on the roof of any building unless it is completely enclosed, and constructed of the same material as the main building. This limitation does not apply to operable vehicles parked on the top level of a parking structure.

M. Each establishment or facility must have on-site parking, in accordance with chapter 18.58 of the Rialto Municipal Code, and cannot rely on on-street parking to meet standards.

N. Caretaking units shall be permitted, provided that the units are indicated in the application in thorough detail and do not rely on street parking.

O. Each establishment or facility shall pay a fee, in accordance with the fee structure adopted by the City Council by resolution.

P. All areas of the establishment or facility shall be maintained in good repair, in a clean, neat and orderly condition

18.104.040 Site location criteria.

A. Separation Distances between similar establishments or facilities. Any such business shall be located a minimum distance of 0.75 miles from any existing outdoor storage use.

B. For purposes of this section, all measurements shall be made by following the shortest, direct route from any point upon the outside wall of the building or building lease space of the establishment applying for the conditional development permit to the nearest property line of the point or location in question.

18.104.050 Review and Approval Process

(a) This section applies to all industrial development in all zones that propose outdoor storage whether or not a permit or other approval is required for the development.

(b) Applicable regulations for specific types of development proposals are as follows:

Type of Development Proposal	Required Permit Type/Approval process
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	Planning Commission	Development Review Committee
Any development in an industrial zone that proposes outdoor storage or display	Conditional Development Permit	Precise Plan of Design

18.104.060 Building, grading or electrical permits. A building, grading or electrical permit shall not be issued for any outdoor storage or display use unless a Conditional Development Permit and a Precise Plan of Design are approved by the City.

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

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

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM

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 foregoing
5 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council
6 of the City of Rialto held on the _____ day of _____, 2016.

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

10 Vote on the Motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the
15 City of Rialto, this _____ day of _____, 2016.

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19 Barbara A. McGee, City Clerk
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