

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY
MORATORIUM ON THE CONSTRUCTION OF, OR
ALTERATIONS AND IMPROVEMENTS TO, THE ROADWAY
MEDIAN ISLAND LOCATED ON RIVERSIDE AVENUE BETWEEN
THE 1-10 FREEWAY AND THE SOUTHERNMOST BORDER OF
THE CITY**

WHEREAS, pursuant to the California Government Code Section 65302, the City created a General Plan to address the City's future development for its community and the long-term framework for action to reach these goals; and

WHEREAS, the City Council is in the process of updating the Circulation Element of the General Plan to improve transit and provide safe active transportation options for all members of the community; and

WHEREAS, in preparation of comprehensively updating the General Plan, the City is reviewing the Circulation Element for Riverside Avenue, particularly the existing and anticipated roadway median island located on Riverside Avenue between the I-10 Freeway and the southernmost boundary of the City of Rialto; and

WHEREAS, the City Council, pending the study of an appropriate update to the roadway width and circulation standards of Riverside Avenue, has determined that any new construction, alterations, or improvements made by any private developers per the requirements of any development conditions of approval related to the aforementioned roadway median would be an inappropriate use of resources; and

WHEREAS, any new construction, alterations, or improvements to the Riverside Avenue roadway median could result in the City having to redevelop those improvements to conform to the findings of the study, which is inconsistent with the best economic interests of the community and may have adverse impacts on the environment, traffic, safety, and aesthetics of the City; and

1 **WHEREAS**, the City, including City staff, City Transportation Commission, City
2 Planning Commission and City Council, requires a reasonable period of time to study and
3 review the existing Circulation Element and the roadway width of Riverside Avenue, as well
4 as the potential adverse impacts on the environment, traffic, aesthetics, and visual quality of
5 surrounding properties within the City, and to make recommendations on future construction,
6 alterations, or improvements to the roadway median; and

7 **WHEREAS**, during the study period, the City desires for all developers to continue to
8 pay the City any applicable Development Impact Fees or other applicable fees related to
9 improvements to Riverside Avenue between the I-10 freeway and the southernmost boundary
10 of the City; and

11 **WHEREAS**, pursuant to Government Code Section 65858, the City Council may adopt,
12 as an urgency measure, an interim ordinance prohibiting any uses, facilities, or improvements
13 that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that
14 the legislative body, planning commission or the planning department is considering or
15 studying or intends to study within a reasonable time; and

16 **WHEREAS**, the City has determined that any construction, alterations, or
17 improvements made by a private developer to the aforementioned roadway median prior to
18 the results of a study on the circulation standards for Riverside Avenue may result in a threat
19 to public health, safety and welfare and may conflict with the findings from the study of the
20 roadway width and development standards of Riverside Avenue; and

21 **WHEREAS**, the City finds that any changes made by private developers to the roadway
22 median island on Riverside Avenue, either in the form of construction, alterations or
23 improvements, without further consideration or study of further the roadway width and
24 circulations standards will have adverse impacts on the environment, traffic, aesthetics, and
25 visual quality of surrounding properties and on the economic vitality within the City, and such
26 impacts constitute and pose a current and immediate threat to the public health, safety, or
27 welfare.

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

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

4 **SECTION 2. Development Moratorium.** The City hereby finds that any construction,
5 alterations, or improvements made by a private developer to the Riverside Avenue roadway
6 median island prior to the results of a study on the circulation standards for Riverside Avenue
7 may result in a threat to public health, safety and welfare and may conflict with the findings
8 from the study of the roadway width and development standards of Riverside Avenue. This
9 Ordinance is necessary as an urgency measure to address said threats to public health, safety
10 and welfare.

11 Accordingly, the Rialto City Council hereby adopts a development moratorium pursuant
12 to California Government Code Section 65858 on a private developer's construction of, or
13 alterations and improvements to, the Riverside Avenue roadway median islands between the
14 I-10 Freeway and the southernmost boundary of the City of Rialto ("Moratorium"). During the
15 Moratorium, developers shall continue to pay to the City any applicable Development Impact
16 Fees as per the Rialto Municipal Code as well as any other applicable fees, including those
17 fees related to any Riverside Avenue improvements.

18 **SECTION 3. Duration of Ordinance.** This Moratorium is enacted pursuant to the
19 authority conferred upon the City Council of the City of Rialto by Government Code Section
20 65858, and therefore shall be in full force and effect immediately upon its adoption by a four-
21 fifths (4/5) vote of the City Council. This Moratorium shall continue in effect for forty-five (45)
22 days from the date of its adoption and shall thereafter be of no further force and effect, unless,
23 after notice pursuant to Government Code Section 65090 and a public hearing, the City
24 Council extends the Moratorium for an additional period of time pursuant to Government Code
25 Section 65858.
26

27 **SECTION 4. Report.** During the period of this Moratorium, and any extension thereof,
28 the City Administrator or his designees shall: (1) review and consider options for an

1 appropriate update to the Riverside Avenue roadway width and circulation standards, including
2 the median islands, and (2) shall issue a written report describing the measures which the City
3 has taken to address the conditions which led to the adoption of this Ordinance with the City
4 Council ten (10) days before the expiration of this Moratorium, or any extension thereof, and
5 such report shall be made available to the public.

6 **SECTION 5. Enforcement.** The City of Rialto may enforce any provision of this
7 Ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of
8 competent jurisdiction.

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

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23 Furthermore, as the Ordinance is an administrative procedure related to uses, facilities,
24 and regulations identified in the Rialto Municipal Code and General Plan, and given that the
25 proposed Ordinance is not related to a specific project, the Ordinance (i) by virtue of the
26 location of affected improvements, will not impact a sensitive environmental resource of
27 hazardous or critical concern; (ii) will not have a cumulative impact on the environment through
28 successive projects of the same type, in the same place, over time; (iii) does not have any

1 unusual circumstances that will have a significant effect on the environment; (iv) does not
2 impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not
3 adversely impact a historical resource. Accordingly, none of the exceptions to categorical
4 exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this Ordinance..

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

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

13 **PASSED, APPROVED AND ADOPTED** this 26th day of June, 2018.

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16 _____
Deborah Robertson, Mayor

17 ATTEST:

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Barbara McGee, City Clerk

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23 APPROVED AS TO FORM:

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25 _____
26 Fred Galante, Esq., City Attorney
27 Aleshire and Wynder
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