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ORDINANCE NO. ____

**AN INTERIM ORDINANCE OF THE CITY OF RIALTO EXTENDING
THE MORATORIUM TO PROHIBIT TRUCK TRAFFIC ON AYALA
DRIVE BETWEEN THE 1-210 FREEWAY AND BASELINE ROAD
WITHIN THE RENAISSANCE SPECIFIC PLAN OF THE CITY OF
RIALTO FOR AN ADDITIONAL TWELVE (12) MONTHS**

WHEREAS, the City Council observes that inter-city truck traffic on Rialto streets has substantially increased, causing congestion and safety concerns for residents and threatening the economic viability of recent commercial development; and

WHEREAS, the Planning Division and City Council, upon review of the existing truck routes in the General Plan, determined that certain segments previously approved for general truck traffic may no longer be appropriate for such use; and

WHEREAS, inadequate control of truck traffic on local streets causes congestion inconsistent with the best economic interests of the community, decreases the City's ability to regulate traffic in a manner to protect the general public, and may adversely impact the environment, all of which pose a current and immediate threat to public health, safety, and welfare; and

WHEREAS, the City of Rialto determined that the continued use by inter-city trucks on Ayala Drive, south of the I-210 Freeway and north of Baseline Road will result in the aforementioned threats to public health, safety, and/or welfare; and

WHEREAS, the City intends to update the Circulation Element of the General Plan to improve transit and provide safe active transportation options for all members of the community; and

WHEREAS, City staff, the City Planning Commission and the City Council, each requires a reasonable period of time to study existing truck routes and truck traffic control measures to determine the potential adverse impacts on the environment, traffic, aesthetics, and visual quality of properties within the City, and to make recommendations on appropriate alternative routes within the City; and

1 **WHEREAS**, the development of the Renaissance Marketplace and Renaissance East may
2 be impacted as a result of inter-city truck traffic; and

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

8 **WHEREAS**, Government Code Section 65858 also allows the City Council, after initial
9 adoption of an interim ordinance, to extend any interim ordinance as an urgency measure for ten
10 (10) months and 15 days and subsequently extend said interim ordinance again for one year; and

11 **WHEREAS**, on June 12, 2018, the City Council adopted Ordinance No. 1602, an interim
12 urgency ordinance establishing a 45-day moratorium on the use of Ayala Drive between the I-210
13 Freeway and Baseline Road by inter-city commercial vehicles with three or more axles weighing
14 9,000 pounds or more, within the City of Rialto (“Moratorium”), excepting therefrom local
15 deliveries pursuant to Vehicle Code Section 35703; and

16 **WHEREAS**, prior to the Moratorium’s initial expiration of July 27, 2018, the City
17 Council by a 4/5 vote adopted Urgency Ordinance No. 1608 on July 24, 2018 to extend the
18 Moratorium for 10 months and 15 days, so that the Moratorium will now expire on June 8, 2019;
19 and

20 **WHEREAS**, City staff requires more time after June 8, 2019 to complete the measures to
21 alleviate the condition which led to the adoption of the Moratorium; and

22 **WHEREAS**, Government Code Section 65858(d) requires the City Council, ten days prior
23 to the expiration of the Moratorium or any extension thereof, to issue a written report describing
24 the measures taken to alleviate the condition which led to the adoption of the Moratorium; and

25 **WHEREAS**, the City Council wishes to extend the Moratorium on the use of inter-city
26 trucks on Ayala Drive, south of the I-210 Freeway and north of Baseline Road, as adopted by City
27 Council Ordinance No. 1602 and Ordinance No. 1608, for an additional period of twelve (12)
28 months to allow reasonable time for the City to continue assessing existing truck routes and truck

1 traffic control measures to determine the potential adverse impacts on the environment, traffic,
2 aesthetics, and visual quality of properties within the City, and to make recommendations on
3 appropriate alternative routes within the City.

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

5 **SECTION 1.** The City Council finds the recitals contained in this ordinance to be true and
6 correct, relies upon them in passing this ordinance, and incorporates them herein as though set
7 forth in full herein.

8 **SECTION 2..** The City Council finds that there is a current and immediate threat to public
9 health, safety, and welfare posed by inter-city truck traffic on designated streets in the City. An
10 interim urgency ordinance which imposes and extends the Moratorium is therefore necessary to
11 protect immediate public safety, health, and welfare pursuant to Government Code Sections
12 65858, 36934 and 36937.

13 **SECTION 3.** In accordance with Government Code Section 65858(d), the City Council
14 has issued a written report describing the measures taken to alleviate the conditions that led to the
15 adoption of the Moratorium and this extension thereof.

16 **SECTION 4.** The Rialto City Council hereby extends the Moratorium pursuant to
17 California Government Code Section 65858 on the use of Ayala Drive between the I-210 Freeway
18 and Baseline Road by inter-city commercial vehicles with three or more axles weighing 9,000
19 pounds or more, within the City of Rialto, excepting therefrom local deliveries pursuant to Vehicle
20 Code Section 35703.

21 **SECTION 5.** This Moratorium is hereby extended for an additional twelve (12) months
22 beyond its extended expiration date of June 8, 2019, such that the Moratorium will now expire on
23 June 8, 2020, or when an ordinance supersedes the Moratorium.

24 **SECTION 6.** This interim urgency ordinance is enacted pursuant to the authority
25 conferred upon the City Council of the City of Suisun by Government Code Sections 65858,
26 36934 and 36937, and shall remain in full force and effect immediately upon its adoption by a
27 four-fifths (4/5) vote of the City Council. This interim urgency ordinance shall continue in effect
28 until June 8, 2020, as provided above, and shall thereafter be of no further force and effect.

1 **SECTION 7.** During the period of this Moratorium, and any extension thereof, the City
2 Administrator or his designees shall: (1) review and consider options for the regulation of Inter-
3 City and (2) shall issue a written report describing the measures which the City has taken to
4 address the conditions which led to the adoption of this ordinance with the City Council ten (10)
5 days prior the expiration of this Moratorium, or any extension thereof, and such report shall be
6 made available to the public.

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

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

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

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

5 **SECTION 10.** This Interim Ordinance is enacted pursuant to the authority conferred upon
6 the City Council of the City of Rialto by Government Code Sections 36937 and 65858, and shall
7 be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City
8 Council as if and to the same extent that such ordinance had been adopted pursuant to each of the
9 individual sections set forth hereinabove.

10 **SECTION 11.** Every section, provision, or part of this ordinance is declared severable
11 from every other section, provision, or part of this ordinance. If any section, provision, or part of
12 this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall
13 not invalidate any other section, provision, or part of this ordinance.

14 **SECTION 12.** This extension shall take effect immediately and shall be of no further force
15 and effect twelve (12) months from now after June 8, 2020.

16 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

17
18 _____
19 DEBORAH ROBERTSON, Mayor

20 ATTEST:

21 _____
22 BARBARA McGEE, City Clerk

23 APPROVED AS TO FORM

24
25 _____
26 FRED GALANTE, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the _____ day of _____, 2019.

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

Vote on the Motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto, this _____ day of _____, 2019.

Barbara A. McGee, City Clerk