

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDINANCE NO. \_\_\_\_**

**AN INTERIM ORDINANCE OF THE CITY OF RIALTO EXTENDING  
THE MORATORIUM ON THE CONSTRUCTION OF, OR  
ALTERATIONS AND IMPROVEMENTS TO, THE ROADWAY MEDIAN  
ISLAND LOCATED ON RIVERSIDE AVENUE BETWEEN THE I-10  
FREEWAY AND THE SOUTHERNMOST BORDER OF THE CITY FOR  
AN ADDITIONAL TWELVE (12) MONTHS**

**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 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**, 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

**WHEREAS**, the City, including City staff, City Transportation Commission, City Planning  
Commission and City Council, requires a reasonable period of time to study and review the existing

1 Circulation Element and the roadway width of Riverside Avenue, as well as the potential adverse  
2 impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within  
3 the City, and to make recommendations on future construction, alterations, or improvements to the  
4 roadway median; and

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

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

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

16 **WHEREAS**, on June 26, 2018, the City Council adopted Ordinance No. 1605, an interim  
17 urgency ordinance establishing a 45-day moratorium on the construction of, or alterations and  
18 improvements to, the roadway median island located on Riverside Avenue and I-10 Freeway and  
19 the southernmost border of the City (“Moratorium”); and

20 **WHEREAS**, the City Council by a 4/5 vote adopted Urgency Ordinance No. 1609 on  
21 August 14, 2018 to extend the Moratorium for 10 months and 15 days, so that the Moratorium will  
22 now expire on June 24, 2019; and

23 **WHEREAS**, City staff requires more time after June 24, 2019 to complete the measures to  
24 alleviate the condition which led to the adoption of the Moratorium; and

25 **WHEREAS**, Government Code Section 65858(d) requires the City Council, ten days prior  
26 to the expiration of the Moratorium or any extension thereof, to issue a written report describing the  
27 measures taken to alleviate the condition which led to the adoption of the Moratorium; and  
28

1       **WHEREAS**, the City Council wishes to extend the Moratorium on the construction of, or  
2 alterations or improvements to, the roadway median islands on Riverside Avenue, as adopted by  
3 City Council Ordinance No. 1605 and Ordinance No. 1609, for an additional period of twelve (12)  
4 months to allow reasonable time for the City to continue studying and reviewing the existing  
5 Circulation Element and the roadway width of Riverside Avenue, as well as the potential adverse  
6 impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within  
7 the City, and to make recommendations on future construction, alterations, or improvements to the  
8 roadway median.

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

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

13       **SECTION 2.** The City Council finds that any construction, alterations, or improvements  
14 made by a private developer to the aforementioned roadway median prior to the results of a study  
15 on the circulation standards for Riverside Avenue may result in a threat to public health, safety and  
16 welfare and may conflict with the findings from the study of the roadway width and development  
17 standards of Riverside Avenue, pursuant to Government Code Sections 65858, 36934 and 36937.

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

21       **SECTION 4.** The Rialto City Council hereby extends the Moratorium pursuant to  
22 California Government Code Section 65858 on the construction of, or alterations or improvements  
23 to, the roadway median islands on Riverside Avenue.

24       **SECTION 5.** This Moratorium is hereby extended for an additional twelve (12) months  
25 beyond its extended expiration date of June 24, 2019, such that the Moratorium will now expire on  
26 June 24, 2020, or when an ordinance supersedes the Moratorium.

27       **SECTION 6.** This interim urgency ordinance is enacted pursuant to the authority conferred  
28 upon the City Council of the City of Suisun by Government Code Sections 65858, 36934 and 36937,

1 and shall remain in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of  
2 the City Council. This interim urgency ordinance shall continue in effect until June 24, 2020, as  
3 provided above, and shall thereafter be of no further force and effect.

4 **SECTION 7.** During the period of this Moratorium, and any extension thereof, the City  
5 Administrator or his designees shall: (1) review and consider options for an appropriate update to  
6 the Riverside Avenue roadway width and circulation standards, including the median islands; and  
7 (2) shall issue a written report describing the measures which the City has taken to address the  
8 conditions which led to the adoption of this ordinance with the City Council ten (10) days prior the  
9 expiration of this Moratorium, and such report shall be made available to the public.

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

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

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

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

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

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

15 **SECTION 12.** This extension shall take effect immediately and shall be of no further force  
16 and effect twelve (12) months from now after June 24, 2020.

17 PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

18  
19 \_\_\_\_\_  
20 DEBORAH ROBERTSON, Mayor

21 ATTEST:

22 \_\_\_\_\_  
23 BARBARA McGEE, City Clerk

24 APPROVED AS TO FORM

25 \_\_\_\_\_  
26 FRED GALANTE, City Attorney  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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