



# City of Rialto

## Legislation Details (With Text)

**File #:** CC-19-389    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Agenda Ready  
**File created:** 3/29/2019    **In control:** City Council  
**On agenda:** 4/9/2019    **Final action:**  
**Title:** Request City Council Adopt Urgency Ordinance No. 1616, entitled, "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING A MORATORIUM ON ANY CONSTRUCTION, ALTERATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS AS ESTABLISHED BY RIALTO MUNICIPAL CODE SECTION 18.56.030 FOR AN ADDITIONAL ONE HUNDRED AND TWENTY (120) DAYS OR UNTIL AN ORDINANCE ADDRESSING THE ISSUES RAISED BY ALLOWING CONSTRUCTION, ALTERATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS IS ADOPTED". (ACTION)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A Staff Report in re Urgency Ordinance 1615, 2. Attachment B - Moratorium Extension Ordinance on Construction Within Reduced Setback Areas

Date	Ver.	Action By	Action	Result
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For City Council Meeting [April 9, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Interim City Administrator

FROM: Fred Galante, City Attorney

Request City Council Adopt **Urgency Ordinance No. 1616**, entitled, "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING A MORATORIUM ON ANY CONSTRUCTION, ALTERATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS AS ESTABLISHED BY RIALTO MUNICIPAL CODE SECTION 18.56.030 FOR AN ADDITIONAL ONE HUNDRED AND TWENTY (120) DAYS OR UNTIL AN ORDINANCE ADDRESSING THE ISSUES RAISED BY ALLOWING CONSTRUCTION, ALTERATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS IS ADOPTED". (ACTION)

### **BACKGROUND:**

On or about December 8, 2009, the City Council adopted Ordinance No. 1458, amending Rialto Municipal Code (RMC) section 18.56.030 to reduce the required front, side and rear yard setbacks in residential zones ("reduced setback areas") and permit construction of fences, hedges, walls and pilasters within said setbacks subject to the conditions specified in RMC section 18.56.030. The reduced setback areas effected a change from the fifteen (15) foot setback previously set as the standard throughout all residential neighborhoods to twelve (12) feet.

On or about February 26, 2019, the City Council adopted Urgency Ordinance No. 1615, establishing a 45-day moratorium on any construction, alterations, or improvements within the reduced setback areas as established by RMC section 18.56.030 ("Moratorium") (See **Attachment A**, Staff Report, Minutes, and Urgency Ordinance No. 1615). The Moratorium will expire on April 12, 2019, unless extended by the City Council.

Pursuant to Government Code Section 65858, the City Council may extend the initial 45-day moratorium for up to an additional ten (10) months and fifteen (15) days, and subsequently for an additional year if needed, subject to compliance with procedural requirements.

The proposed Urgency Ordinance will extend the Moratorium for an additional one hundred and twenty (120) days beyond its original expiration date, such that the Moratorium will now expire on August 10, 2019, or until the City Council adopts an ordinance addressing the issues raised by allowing construction, alterations, or improvements within the reduced setback areas, whichever occurs first.

#### **ANALYSIS/DISCUSSION:**

The City Council adopted the Moratorium on February 26, 2019. The adoption of the Moratorium was necessitated by the fact that any new construction, alterations, or improvements within the reduced setback areas could be in conflict with other standards and impact utility easements within such reduced setback, which may interfere with the provision of utility services and may result in a threat to public health, safety and welfare.

It is important for the City to design and coordinate its efforts in order to achieve long-term results while avoiding inconsistencies or measures which result in progress toward meeting one source of risk or need but which cause or exacerbate another source of risk or need.

During the initial Moratorium period, City Staff has analyzed appropriate regulations for allowing construction, alterations, or improvements in the reduced setback areas consistent with State and Federal law. City Staff has commenced researching the potential impacts of having the setback revert back to the fifteen (15) foot distance from the public right of way throughout all residential neighborhoods with the goal of minimizing potential impacts on those that have lawfully constructed improvements within such reduced setback areas. Despite City Staff's efforts, the conditions which necessitated adoption of the Moratorium continue to exist at the present time.

Government Code Section 65858 authorizes the City Council, after notice and a public hearing, and upon approval by a four-fifths vote, to extend the Moratorium for up to ten (10) months and fifteen (15) days. The City Council may subsequently extend the Moratorium for one additional year.

City Staff is requesting an additional one hundred and twenty (120) days to further analyze, research and develop appropriate regulations to alleviate the conditions which led to the adoption of the Moratorium. Extending the Moratorium will provide City Staff with necessary time to complete its analysis, research and development of appropriate regulations for allowing construction, alterations, or improvements within the reduced setback areas to ensure the protection of the public health, safety and welfare.

The public hearing on this item has been duly noticed in accordance with State law.

The proposed Urgency Ordinance for City Council consideration, attached hereto as **Attachment B**,

contains the necessary findings based on the conditions outlined above. Adoption of the proposed Urgency Ordinance would extend the Moratorium for a period of one hundred and twenty (120) days beyond its original expiration date, such that the Moratorium would expire on August 10, 2019, or until the City Council adopts an ordinance addressing the issues raised by allowing construction, alterations, or improvements within the reduced setback areas, whichever occurs first. A four-fifths (4/5) vote of the City Council is required to adopt the proposed Urgency Ordinance.

During the period of this Moratorium, and any extension thereof, the City Administrator or his designees must: (1) consider whether any construction, alterations, or improvements made in the residential reduced setback areas established by Rialto Municipal Code Section 8.56.030 may result in a threat to public health, safety and welfare, and (2) issue a written report describing the measures which the City has taken to address the conditions which led to the adoption of this Ordinance. The report must be issued at least 10 days before the expiration of this Moratorium, or any extension thereof and made available to the public. The City Council will, in turn, analyze the report and determine whether conditions continue to exist to justify further extensions to the Moratorium.

**ENVIRONMENTAL IMPACT:**

The requested action does not constitute a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), 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. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. Additionally, pursuant to Section 15061(b)(3), the proposed Moratorium is exempt from CEQA review as there is no possibility that the Moratorium may have a significant effect on the environment, insofar as it prohibits the construction, alterations and improvements within the reduced setback areas established by RMC section 18.56.030.

**GENERAL PLAN CONSISTENCY:**

Approval of this action complies with the following City of Rialto Guiding Principles, General Plan Goals and Policies:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and Urgency Ordinance.

**FINANCIAL IMPACT:**

Adoption of the Urgency Ordinance is not anticipated to have any financial impact as any fees due by developers for such improvements will continue to be paid to the City for future use.

**RECOMMENDATION:**

City Staff recommends that the City Council consider and adopt an Urgency Ordinance, entitled “AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING A MORATORIUM ON ANY CONSTRUCTION, ALTERATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS AS ESTABLISHED BY RIALTO MUNICIPAL CODE SECTION 18.56.030 FOR AN ADDITIONAL ONE HUNDRED AND TWENTY (120) DAYS OR UNTIL AN ORDINANCE ADDRESSING THE ISSUES RAISED BY ALLOWING CONSTRUCTION, ALTERATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK

AREAS IS ADOPTED”.