



City of Rialto

Legislation Details (With Text)

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On agenda: 6/26/2018 **Final action:**

Title: Request City Council to Adopt Urgency Ordinance No. 1605 entitled "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," reading by title only and declaring the urgency thereof.
(ACTION)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Moratorium Ordinance

Date	Ver.	Action By	Action	Result
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For City Council Meeting [June 26, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb Steel, Interim City Administrator

FROM: Robert Eisenbeisz, Public Works Director

Gina Gibson Williams, Planning Manager

Request City Council to Adopt **Urgency Ordinance No. 1605** entitled "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," reading by title only and declaring the urgency thereof.
(ACTION)

BACKGROUND:

The City's General Plan, in part, addresses the City's current and future development for the community and needed standards for roadway improvements to serve such development through the Circulation Element of the General Plan. The City is in the process of updating the Circulation Element to improve transit and provide safe active transportation options for all members of the community.

In preparation of any update to the Circulation Element, 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 ("Moratorium Area") must be studied before improvements to such median could conflict with the ultimate roadway configuration.

Pending the study of an appropriate update to the roadway width and circulation standards of Riverside Avenue, City Staff believe that any new construction, alterations, or improvements made by any private developers per the requirements of any development conditions of approval related to the Riverside Avenue median could be an inappropriate use of resources. Specifically, any new such improvements 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.

City staff, the City Transportation Commission, Planning Commission and City Council, require a reasonable period of time to study and review the existing Circulation Element and the roadway width of Riverside Avenue, as well as the potential adverse impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within the City, and to make recommendations on future construction, alterations, or improvements to the roadway median.

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

ANALYSIS/DISCUSSION:

To avoid any of the aforementioned adverse impacts, City Staff recommends that the City Council consider adopting a moratorium on improvements to the Riverside Avenue median ("Moratorium") within the Moratorium Area. The Moratorium would allow for a measured approach to improvements to such median so as to be consistent with the ultimate configuration of Riverside Avenue. During the study period, developers should be required to continue to pay the City any applicable Development Impact Fees or other applicable fees related to improvements to the Moratorium Area.

To achieve this goal, the City Attorney has prepared the Urgency Ordinance attached as **Attachment 1** for City Council consideration. Per Government Code section 65858, the Urgency Ordinance requires an affirmative vote of 4/5th of the City Council to be adopted. If passed, the Urgency Ordinance will continue in effect 45 days and, thereafter, will be of no further force and effect, unless, the City Council extends the Moratorium. Any ordinance extending the moratorium requires a noticed public hearing and can be for up to an additional 10 months and 15 days. Thereafter, the Moratorium may be extended again for 1 additional year.

During the period of this Moratorium, and any extension thereof, the City Administrator or his designees must: (1) review and consider options for an appropriate update to the Riverside Avenue roadway width and circulation standards, including the median islands, 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.

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 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:

Staff recommends that the City Council consider and adopt an Urgency Ordinance entitled “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,” reading by title only and waiving further reading thereof.