

ORDINANCE NO.

AN INTERIM ORDINANCE OF THE CITY OF RIVERSIDE,
CALIFORNIA, ESTABLISHING A MORATORIUM ON BUILDING
PERMITS AND LAND USE APPROVALS IN THE NORTHSIDE
NEIGHBORHOOD, RIVERSIDE, CALIFORNIA.

WHEREAS, the Northside Neighborhood area of the City of Riverside is a predominately residential area, with semi-rural home sites, traditional single family residential subdivisions and apartments, bounded to the east by Interstate 215, to the south by the 60 Freeway, to the west by the Santa Ana River and to the north by San Bernardino County; and

WHEREAS, in 1991 the Northside Community Plan was adopted by the City Council of the City of Riverside, setting forth guidelines, goals and policies for the orderly development of the various land uses in the area; and

WHEREAS, the 1991 Community Plan was superseded by and incorporated into the City of Riverside General Plan 2010, as well as the City of Riverside General Plan 2025; and

WHEREAS, there are various uses, such as industrial, warehouse, and manufacturing that exist in the north, east, and west of Northside that create significant amounts of truck traffic, noise, odors and greenhouse gas emissions resulting in significant quality of life impacts within the long established residential neighborhoods; and

WHEREAS, the continued industrial, manufacturing and warehouse uses, and the construction of additional industrial, manufacturing and warehouse uses, would increase vehicular and, in particular, truck traffic accessing Interstate 215 and State Highway 60, which will occur on streets with existing residential uses, such as Center Street, Orange Street and Columbia Avenue and would generate additional noise, odors and greenhouse gas emissions not associated with existing uses on the existing streets; and

WHEREAS, the General Plan 2025 Land Use Element identifies permissible land use activities under the existing B/OP – Business Office Park as those that do not create significant amounts of smoke, odor, dust or heavy truck traffic, such as corporate and general business offices, research and development, light manufacturing, light industrial and small warehouse use; however significant impacts associated with traffic, noise, air quality and greenhouse gas emissions can be

1 expected by the larger industrial and logistic facilities that are permitted by right in the existing BMP
2 – Business and Manufacturing Park and I – General Industrial zones thereby creating an
3 inconsistency between the long-range vision for the area and the implementation of the Zoning
4 Code; and

5 WHEREAS, the objectives and policies of the General Plan 2025 seek to have a balanced
6 community with sufficient commercial, office and industrial uses while preserving the single family
7 residential preeminence of the community (Objective LU-70); and

8 WHEREAS, General Plan 2025 Objective LU-74 seeks to preserve and promote the lower
9 density charm of the Northside Community; and

10 WHEREAS, General Plan 2025 Policy LU-71.1 identifies the need to prepare a specific plan
11 for the Northside area; and

12 WHEREAS, the Ab Brown Sports Complex, a 55-acre property located between Placentia
13 Lane and Garner Road, is located in an area which would be significantly impacted by a tremendous
14 amount of truck traffic, in that General Plan 2025 Policy LU-71.1 identifies the retention of the
15 sports complex at its current location, or a relocation to an optimal location; and

16 WHEREAS, General Plan 2025 Policy LU-71.1 states that alternative land uses are to be
17 considered for properties surrounding the Riverside Golf Course property and Reid Park, in order to
18 optimize the compatibility of those recreational facilities; and

19 WHEREAS, the parcels comprising the Ab Brown Sports Complex and former Riverside
20 Golf Course were purchased in the 1930's by the City of Riverside through utility rate payer funds
21 for the benefit of the Riverside Public Utilities (RPU), with a 64-acre southern portion of the
22 currently vacant Golf Course transferred to the City's General Fund in January 2011; and

23 WHEREAS, RPU adopted a Real Property Financial Management Policy in 2014 that
24 determined the 55-acre Ab Brown Sports Complex (APN 246-060-001) and the northern 65 acres of
25 the former Riverside Golf Course (APN 246-060-011) are necessary for RPU operations such as
26 water wells or attached water rights, but these uses do not exclude other operations, development or
27 other considerations from taking place; and

1 WHEREAS, the Real Property Financial Management Policy determined that the southern 59
2 acres of the former Riverside Golf Course (APN 206-070-002 and a portion of 206-070-003) are
3 “Idle – Income” properties as they are not currently utilized in the core operations of RPU but could
4 deliver lease or rent payment to RPU without investment in structures, fixtures, appurtenances, and
5 improvements; and

6 WHEREAS, the future use of the Ab Brown Sports Complex and former Riverside Golf
7 Course are underutilized parcels of land consisting of 179 acres which could be better planned and
8 enhanced under a Specific Plan; and

9 WHEREAS, the City initiated the Smart Code Specific Plan in December 2013, which
10 included a Northside Neighborhood Vision, Program Environmental Impact Report, and a
11 community-defined master planning effort for the reuse of the 179 acre Ab Brown Sports Complex
12 and former Riverside Golf Course; and

13 WHEREAS, the Smart Code Specific Plan and accompanying Northside Vision were
14 postponed to ensure community outreach and to identify funding sources to support the Specific Plan
15 effort; and

16 WHEREAS, the urgency in the adoption of this ordinance is that there is a conflict between
17 the existing, permitted and proposed uses and the community vision, that there is a need to protect
18 and preserve the single family residential neighborhoods, to provide for future development that
19 provides for a balanced community, and to ensure that the public health, safety, and welfare are
20 protected and preserved, and there is a need to complete more in-depth studies as to the highest and
21 best uses of that portion of the Northside area more particularly delineated in the map attached
22 hereto as Exhibit “A” and incorporated herein by reference (“Plan Area”), and to protect existing,
23 long established neighborhoods while creating returns on investment through the development of
24 high quality, compatible projects that would be consistent with the collective vision of the
25 community members in the Northside area and the General Plan 2025 Objectives and Policies; and

26 WHEREAS, in order to protect and preserve the current single family residential
27 neighborhoods from additional industrial, manufacturing and warehouse uses, and because it is
28 likely the permitted uses within the Northside area will change, an interim prohibition on any new

1 permit, variance, building permit or other applicable entitlement within the Plan Area needs to occur,
2 excepting therefrom any application submitted prior to July 14, 2015; and

3 WHEREAS, California Government Code section 65858 authorizes the City Council to
4 adopt, by a four-fifths vote, without following the procedures otherwise required for the adoption of
5 a zoning ordinance, an interim ordinance prohibiting any uses that may be in conflict with a
6 contemplated general plan, specific plan, or zoning proposal that the City Council, planning
7 commission or the planning division is considering or studying, or intends to study within a
8 reasonable time.

9 The City Council of the City of Riverside does ordain as follows:

10 Section 1: The Recitals set forth above are hereby adopted as the findings of the City
11 Council in connection with the adoption of this ordinance and that based on the above recitals, there
12 is an immediate threat to the public health, safety and welfare. The adoption of this ordinance is
13 necessary for the immediate protection of the public health, safety and welfare.

14 Section 2: The purpose of this interim ordinance is to establish a moratorium on the
15 approval or issuance of any new permit, variance, building permit or other applicable entitlement
16 within that portion of the Northside area (“Plan Area”) delineated on the map attached hereto as
17 Exhibit “A” and incorporated herein by reference for the immediate preservation of the public
18 health, safety and welfare, excepting therefrom any application submitted prior to July 14, 2015.

19 Section 3: Based on the findings set forth in the Recitals and incorporated herein in
20 Section 1, the addition of additional industrial, manufacturing and warehouse uses pose a current and
21 immediate threat to the public health, safety and welfare on the residential uses in the Plan Area, as
22 well as ensuring a balanced community as envisioned by the General Plan 2025, and as such the City
23 Council hereby enacts this interim ordinance by not less than a four-fifths vote, under the authority
24 granted to it by Article XI, Section 7 of the California Constitution and section 65858 of the
25 California Government Code, which allows the City to adopt an interim ordinance prohibiting land
26 uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal
27 that the City Council, planning commission or the planning department is considering or studying or
28 intends to study within a reasonable time. The City Council hereby directs the Planning Division of

1 the Community & Economic Development Department to consider and study the Plan Area through
2 a community visioning process, specific plan, master plan, smart code implementation or such other
3 manner for the purpose of determining the most appropriate uses for that Plan Area and the
4 development standards for the same.

5 Section 4: The issuance of any new permit, variance, building permit or other applicable
6 entitlement within the Plan Area, on or for property zoned Business and Manufacturing Park (BMP)
7 or General Industrial (I), is hereby prohibited, excepting therefrom any application submitted prior to
8 July 14, 2015. Notwithstanding any provision of the Riverside Municipal Code to the contrary, no
9 permits or approvals for any use on property zoned Business and Manufacturing Park (BMP) or
10 General Industrial (I) in the Plan Area shall be approved or issued during the pendency of this
11 ordinance or any extension thereof, excepting therefrom any application submitted prior to July 14,
12 2015.

13 Section 5: This ordinance shall become effective immediately upon adoption if adopted
14 by at least four-fifths vote of the City Council, and shall remain in full force and effect for a period
15 of forty-five (45) days from the date of its adoption unless extended by the City Council in
16 accordance with the provisions of California Government Code section 65858.

17 Section 6: If any provision of this ordinance or the application thereof to any person or
18 circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction,
19 such invalidity shall not affect other provisions or applications of this ordinance which can be
20 implemented without the invalid provision or application and to this end the provisions of this
21 ordinance are declared to be severable.

22 Section 7: For the term of this ordinance, or any extension thereof, the provisions of this
23 ordinance shall govern over any conflicting provisions of any other City code, ordinance resolution
24 or policy.

25 Section 8: The City Council has reviewed the matter and, based upon the facts and
26 information contained in the staff reports, administrative record, and written and oral testimony,
27 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
28 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title

1 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
2 in the environment nor have a significant impact on the environment.

3

4 ADOPTED by the City Council this _____ day of _____, 20____.

5

6 Mayor of the City of Riverside

7

Attest:

8

9 City Clerk of the City of Riverside

10

11 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
12 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
13 _____ day of _____, 2015, and that thereafter the said ordinance was duly and
14 regularly adopted at a meeting of the City Council on the _____ day of _____, 2015,
15 by the following vote, to wit:

16 Ayes:

17

Noes:

18

Absent:

19

Abstain:

20

21 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
22 City of Riverside, California, this _____ day of _____, 2015.

23

24 City Clerk of the City of Riverside

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