



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JULY 14, 2015**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARD: 1**
DEPARTMENT

SUBJECT: AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM FOR “BMP” and “I” ZONED PROPERTIES WITHIN THE NORTHSIDE NEIGHBORHOOD, WHICH IS BOUNDED BY THE CITY LIMITS TO THE NORTH AND WEST, STATE ROUTE 60 TO THE SOUTH, AND INTERSTATE 215 TO THE EAST

ISSUE:

The issue for City Council consideration is an interim ordinance establishing a temporary moratorium on land use entitlements and building permits for properties zoned Business and Manufacturing Park (BMP) and General Industrial (I) within the Northside Neighborhood, as depicted on Attachment 1, for an initial period of no more than 45 days.

RECOMMENDATIONS:

That the City Council:

1. Adopt an interim ordinance for a temporary moratorium on land use entitlements and building permits for industrial or manufacturing uses and for development on properties zoned Business and Manufacturing Park (BMP) or General Industrial (I) within the Northside Neighborhood ("Plan Area"), as depicted on Attachment 1;
2. Consider exempting from the interim ordinance for a temporary moratorium those properties zoned BMP or I within the Plan Area that have already submitted an application to the City of Riverside City Planning Division of the Community & Economic Development Department for administrative approval as of the adoption date of the ordinance; and,
3. Direct the City Planning Division of the Community & Economic Development Department to initiate a study of the Northside Plan Area through a community visioning process, and develop a strategy for the preparation of a specific plan or similar planning mechanism that will determine appropriate uses and development standards for the Plan Area.

BACKGROUND:

Consideration of a moratorium for the Northside neighborhood is primarily based on the following three factors.

1. The City has initiated an effort to prepare a specific plan which that would affect the

Northside's commercial and industrial properties, and said effort is delayed mostly due to funding;

2. There is concern that industrial development in the neighborhood, pursuant to the existing Zoning Ordinance, may be contradictory to the policy intentions of the City's adopted General Plan (General Plan 2025); and,
3. The construction of new industrial, manufacturing or distribution projects could negatively impact the area's residential neighborhoods, and that these detrimental impacts could not be readily undone or mitigated.

The following provides some background on the City's efforts to initiate a specific plan for the area, and the concerns raised by the inconsistency between General Plan 2025 objectives and the Zoning ordinance.

Existing Planning Effort

On October 17, 2013, the City of Riverside's Development Committee authorized the issuance of a Request For Qualifications (RFQ) for the Riverside Smart Code Specific Plan project, which included the master planning of the former Riverside Golf Course and Ab Brown Sports Complex, and confirmed the vision for existing non-residential land use areas. The Smart Code project is a citywide effort to establish neighborhood-based community visions and guide the future development of the City's commercial, office, and industrial zoned land. The Smart Code scope of work included the creation of a community vision for the Northside Neighborhood, which was to be concurrent with a master plan of the Ab Brown Sports Complex and former Riverside Golf Course. However, the Smart Code Specific Plan effort has been placed on hold, partly due to concerns with the funding of the professional services contract, and partly to focus attention on the immediate concerns identified by community members of the Northside Neighborhood.

A major concern of the Northside community is the future of the Ab Brown Sports Complex and former Riverside Golf Course, which constitute 179-acres of City-owned property in the heart of the Northside Neighborhood. The potential reuse of these properties is of concern because the size and centralized location will affect established land uses and could set the tone for future development investments on nearby properties. Because the properties are owned by the City, the City Planning Division intends to initiate an effort to obtain community input and develop a community-based vision for the properties.

Concern also exists pertaining to the area surrounding the Ab Brown Sports Complex and former Riverside Golf Course, which currently contains many vacant or underutilized properties, including vacant land zoned for industrial and warehouse uses (*BMP - Business and Manufacturing Park* and *I – General Industrial*). These properties represent opportunities for catalytic projects and significant private investment in the area. The community visioning process being proposed by staff, and the results of the specific plan effort previously directed by the Development Committee (i.e., the Smart Code), would evaluate the most appropriate mix of uses to preserve neighborhood identity while encouraging private investment, job creation, and increased property values.

The pending visioning effort and the previously initiated Smart Code - both of which could result in land use changes for the Northside Neighborhood - make timely a moratorium that temporarily prohibits the granting of land use entitlements and building permits, so as to avoid future land use incompatibilities.

Northside Neighborhood

The Northside Neighborhood is bounded by Interstate 215 to the east, State Route-60 to the south, the Santa Ana River to the west and the City limits to the north. The Northside Neighborhood contains a wide variety of uses, including single-family residences in semi-rural settings and traditional suburban subdivisions, apartments, parks and recreation facilities, as well as industrial, commercial and office development.

A Community Plan was adopted for the Northside in 1991. The Community Plan was superseded with the adoption of General Plan 2025, and the Community Plan's goals and policies were incorporated into the most recent Land Use and Urban Design Element (Northside Neighborhood, pp LU-105 to LU-110, refer to Attachment 3). These policies and objectives focus on the maintenance and improvement of major park and recreation facilities, preservation of long established residential uses, and enhancement of the small yet economically successful commercial and industrial sites.

While emphasizing a balanced community is important, it is recognized that office, industrial and commercial uses can encroach on residential neighborhoods with objectionable noises, odors, and traffic. Due to the existing industrial and manufacturing uses in the north, east and western portions of the Northside Neighborhood, as well as the vacant properties currently designated or zoned for industrial and manufacturing uses, the General Plan identifies a Northside Neighborhood policy (LU-74.5) that requires industrial properties to have land use interfaces that protect the scenic integrity of the residential neighborhoods. The General Plan also identifies an overall policy for the City to not incentivize the development of warehouse and distribution facilities in industrial areas, and instead provide preference to uses that focus on "clean" technology and have a high number of well-paying jobs, such as biotechnology, research and development, and light manufacturing.

For the Northside there is a specific concern that additional industrial, manufacturing and warehouse development on properties that are currently zoned Business and Manufacturing Park (BMP) could result in increased truck traffic on Center Street, Main Street, Orange Street and Columbia Avenue. These streets provide direct access to Interstate 215 and State Route-60 and are largely surrounded by established residential communities. Additionally, the BMP zoning allows for a greater intensity of development than indicated by the General Plan; therefore there are potential General Plan and Zoning inconsistencies that should be analyzed and, potentially, rectified.

In order to protect and preserve the public health, safety, and welfare within the single-family residential neighborhoods of the Northside area identified on Attachment 1, and to ensure future development provides for a balanced community, the City must initiate a community-based effort to create a vision for the Northside Neighborhood and initiate a specific plan or similar planning document, which will likely result in harmonizing amendments to the Zoning Code and the General Plan 2025.

The Northside Neighborhood was once home to what is believed to be the earliest community in what is now Riverside County. Known colloquially as "Spanishtown," *La Placita de los Trujillos* was a small farming village consisting of adobe buildings along the Santa Ana River. Although the village did not survive, the remains of one building, known as the Trujillo Adobe, are located just outside of the Northside Neighborhood, in San Bernardino County. As part of the community-based visioning and specific plan effort, special attention will be paid to the historic and cultural importance of the Trujillo Adobe and former Spanishtown area. Such efforts may

include preparing a cultural resources survey and an evaluation of the historic context of the Northside Neighborhood and surrounding areas. The Trujillo Adobe is a precious window into the history of our City and staff strongly recommends a robust effort to preserve and fully utilize this priceless resource.

Additionally, State Law requires the City to periodically update the Housing Element to designate enough available sites in the City to meet our “fair share” of regional housing, as specified by the Regional Housing Needs Assessment (RHNA). The City is in the midst of the 2014-2021 Housing Element update cycle, and will need to rezone properties throughout the City to accommodate more housing density. As a result of this State requirement, facilitating a specific plan effort that includes new housing opportunities is a necessary and appropriate consideration for properties that are currently not zoned for residential uses.

Conflicting Pressures

Although there is concern over the impacts and compatibility of industrial uses within and near established residential areas, there are challenges to limiting development that is permitted by-right under the existing zoning. Thus, balancing the desires and concerns of the residential community, while upholding the property rights of the industrial property owners, is frequently a challenge for staff.

The community feedback received in response to recent activities within the Northside are indicative that the existing BMP and I zoning may not be the most desirable or compatible designations in areas where they may potentially have negative impacts to residential, cultural, or environmentally-sensitive areas. As such, the moratorium will offer an opportunity to evaluate the appropriate balance between property rights and community desires.

MORATORIUM BOUNDARY:

Attachment 1 reflects the area recommended for inclusion in the moratorium. The area is defined by the City boundary on the west and north, the SR-60 freeway to the south, and the I-215 freeway to the east. This is the adopted Northside Neighborhood boundary as shown in General Plan 2025, and is recommended as the moratorium boundary due to concerns with General Plan and Zoning consistency, as discussed above.

Because Attachment 1 defines the moratorium area, it also defines, by association, the initial boundary of the Study Area. However, as City Planning Division staff engages the community, identifies issues, and starts to define a vision for the neighborhood, the initial boundary of the Study Area, as well as the defined boundary of the Northside Neighborhood, is expected to change to reflect community discourse, and will likely include properties and areas that are gateways and important social and cultural centers to the Northside.

On November 21, 2013, the City of Riverside Development Committee considered adopting an urgency ordinance for a temporary moratorium on land use entitlements and building permits for development on properties within a portion of the Northside Neighborhood, except for single family residential development. At that time, among other concerns, were impacts to Northside residential neighborhoods by potential development or redevelopment of vacant or underutilized BMP – Business and Manufacturing Park zoned properties with additional industrial, manufacturing and warehouse uses. Following public comments and discussion, the Development Committee recommended that the temporary moratorium not move forward at that time.

Subsequent to the Development Committee's recommendation, property owners regularly inquired about the ability to move forward with projects in the Northside; as there was no moratorium in place, City of Riverside staff appropriately affirmed that property owners could pursue entitlements and projects. One such property owner inquiry and affirmative City staff response resulted in an active administrative Design Review application for a warehouse project on Placentia Lane, southerly of Center Street that was received in December, 2014. The proposed warehouse use is permitted by-right under the existing BMP Zone for the properties.

As this project is consistent with the City's General Plan and Zoning, and as the property owner submitted a project application in good faith in December 2014 based upon City staff affirming that property owners could pursue entitlements and projects, serious consideration should be given to exempting this property, and other properties zoned BMP or I within the Northside Neighborhood that have submitted an application for administrative approval as of the adoption date of the interim ordinance for a temporary moratorium.

REQUIRED INTERIM ORDINANCE FINDINGS:

Pursuant to California Government Code Section 65858, to protect the public safety, health, and welfare, the City may adopt an interim ordinance prohibiting any uses 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. An interim ordinance requires a four-fifths vote of the City Council for adoption.

An interim ordinance can only be effective for an initial period of no more than 45 days. Prior to its expiration, the City Council may, after a public hearing, extend the interim ordinance for up to 22-months and 15-days. Extensions also require a four-fifths vote.

If adopted, the proposed interim ordinance will prohibit the approval of land use entitlements and issuance of building permits for properties within the boundaries of the moratorium area, except that it would allow approvals for residential uses. The need to adopt an interim ordinance is necessary due to an immediate threat to the public health, safety and welfare based on the following findings:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. The General Plan 2025 Land Use Element identifies permissible land use activities under the existing B/OP – Business Office Park land use designation 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 expected by the larger industrial and logistic facilities that are permitted by right in the existing *BMP – Business and Manufacturing Park* and *I – General Industrial* zones; thereby creating an inconsistency between the long-range vision for the area and the implementation of the Zoning Code.
7. The objectives and policies of the General Plan 2025 seek to have a balanced community with sufficient commercial, office and industrial uses while preserving the single family residential preeminence of the community (Objective LU-70).
8. General Plan 2025 Objective LU-74 seeks to preserve and promote the lower density charm of the Northside Community.
9. General Plan 2025 Policy LU-71.1 identifies the need to prepare a specific plan for the Northside area.
10. The Ab Brown Sports Complex, a 55-acre property located between Placentia Lane and Garner Road, is located in an area which would be significantly impacted by a tremendous amount of truck traffic, in that General Plan 2025 Policy LU-71.1 identifies the retention of the sports complex at its current location, or a relocation to an optimal location.
11. General Plan 2025 Policy LU-71.1 states that alternative land uses are to be considered for properties surrounding the Riverside Golf Course property and Reid Park, in order to optimize the compatibility of those recreational facilities.
12. The parcels comprising the Ab Brown Sports Complex and former Riverside Golf Course were purchased in the 1930's by the City of Riverside through utility rate payer funds for the benefit of the Riverside Public Utilities (RPU), with a 64-acre southern portion of the currently vacant Golf Course transferred to the City's General Fund in January 2011.
13. RPU adopted a Real Property Financial Management Policy in 2014 that determined the 55-acre Ab Brown Sports Complex (APN 246-060-001) and the northern 65 acres of the former Riverside Golf Course (APN 246-060-011) are necessary for RPU operations such as water wells or attached water rights, but these uses do not exclude other operations, development or other considerations from taking place.
14. The RPU Real Property Financial Management Policy determined that the southern 59 acres of the former Riverside Golf Course (APN 206-070-002 and a portion of 206-

070-003) are “Idle – Income” properties as they are not currently utilized in the core operations of RPU but could deliver lease or rent payment to RPU without investment in structures, fixtures, appurtenances, and improvements.

15. The future use of the Ab Brown Sports Complex and former Riverside Golf Course are underutilized parcels of land consisting of 179 acres which could be better planned and enhanced under a Specific Plan.
16. The City initiated the Smart Code Specific Plan in December 2013, which included a Northside Neighborhood Vision, Program Environmental Impact Report, and a community-defined master planning effort for the reuse of the 179 acre Ab Brown Sports Complex and former Riverside Golf Course.
17. The Smart Code Specific Plan and accompanying Northside Vision were postponed to ensure community outreach and to identify funding sources to support the Specific Plan effort.
18. The urgency in the adoption of this ordinance is that there is a conflict between the existing, permitted and proposed uses and the community vision, that there is a need to protect and preserve the single family residential neighborhoods, to provide for future development that provides for a balanced community, and to ensure that the public health, safety, and welfare are protected and preserved, and there is a need to complete more in-depth studies as to the highest and best uses of that portion of the Northside area more particularly delineated in the map attached hereto as Attachment 1 and incorporated herein by reference (“Plan Area”), and to protect existing, long established neighborhoods while creating returns on investment through the development of high quality, compatible projects that would be consistent with the collective vision of the community members in the Northside area and the General Plan 2025 Objectives and Policies.
19. In order to protect and preserve the current single family residential neighborhoods from additional industrial, manufacturing and warehouse uses, and because it is likely the permitted uses within the Northside area will change, an interim prohibition on any new permit, variance, building permit or other applicable entitlement for properties zoned I and BMP within the Plan Area needs to occur, excepting therefrom any application submitted and deemed complete prior to June 23, 2015.

FISCAL IMPACT:

The fiscal impact to the General Fund from approval of this ordinance is directly related to the unknown permit fees that may have otherwise been collected from the impacted properties.

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Certified as to
availability of funds: Brent A. Mason, Finance Director/Treasurer
Approved by: Al Zelinka, FAICP, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Northside Neighborhood Moratorium Area/Study Area

2. Moratorium Ordinance
3. Excerpt from the General Plan 2025 Land Use and Urban Design Element related to the Northside Neighborhood