



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MARCH 10, 2020

FROM: COUNCILMEMBER ERIN EDWARDS WARD: 1

SUBJECT: AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM FOR ALL INDUSTRIAL, MANUFACTURING, DISTRIBUTION AND/OR WAREHOUSE USES ON PROPERTY ZONED, OR PROPOSED TO BE ZONED, BUSINESS AND MANUFACTURING PARK (BMP) OR GENERAL INDUSTRIAL (I) 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:

Adopt an interim ordinance establishing a temporary moratorium on all land use entitlements and building permits for industrial, manufacturing, distribution and/or warehouse uses on properties zoned, or proposed to be zoned, Business and Manufacturing Park (BMP) and General Industrial (I) within the Northside Neighborhood, for an initial period of no more than 45 days.

RECOMMENDATION:

That the City Council adopt the attached interim ordinance for a temporary moratorium on land use entitlements and building permits for all industrial, manufacturing, distribution or warehouse uses on properties zoned, or proposed to be zoned, Business and Manufacturing Park (BMP) or General Industrial (I) within the Northside Neighborhood, based on the findings set forth in the staff report.

BACKGROUND:

At the request of Councilmember Edwards, a moratorium for the Northside Neighborhood is being considered based on the following factors.

1. The City has initiated the preparation of the Northside Specific Plan (NSP) and Environmental Impact Report (EIR).
 - a. The NSP will set the future vision for the Northside Neighborhood and will likely affect land use designations and regulations including those for residential, commercial and industrial properties in the Northside area.
 - b. The Draft NSP and Draft EIR are anticipated to be released for public review the week of March 23, 2020.

2. There is concern that industrial, manufacturing, distribution and/or warehouse development in the Northside Neighborhood, as allowed pursuant to Title 19, are contradictory to the policy intentions of the City's adopted General Plan (General Plan 2025) and the forthcoming NSP; and
3. The construction of new industrial, manufacturing, distribution or warehouse projects may negatively impact the area's residential neighborhoods, and that the detrimental impacts cannot be readily undone or mitigated.

A moratorium is proposed so that the concerns of the residential community and current industrial landowners can be fully assessed in the Draft NSP and Draft EIR. Balancing the desires and concerns of the residential community, while upholding the property rights of the various property owners, can be better explored after the Draft NSP and Draft EIR are available for public review and comment. The land use changes envisioned within the Draft NSP, and the timeliness of a moratorium that temporarily prohibits granting land use entitlements and building permits, would avoid future land use incompatibilities and nonconforming uses. The moratorium will offer an opportunity to conclude the public review and evaluation of the Draft NSP and Draft EIR and provide an opportunity for staff to further assess and evaluate the potential risks to existing and future structures and public health, safety and welfare associated with flooding.

A similar moratorium was considered by the City Council on August 12, 2015. The motion failed to receive the required four-fifths vote and was not approved.

DISCUSSION

The following summarizes the City's ongoing planning efforts within the Northside Neighborhood, and the concerns related to the inconsistency between General Plan 2025 objectives and the Zoning ordinance.

Northside Neighborhood Context

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 (Attachment 1). The Northside Neighborhood contains a wide variety of uses, including single-family residences in a semi-rural setting and in traditional suburban subdivisions, apartments, parks, recreation facilities, industrial, commercial and office development. The Northside Neighborhood also houses the Ab Brown Sports Complex and former Riverside Golf Course, 179-acres of City-owned open space in the heart of the Northside Neighborhood.

A Community Plan was adopted for the Northside Neighborhood in 1991. The Community Plan was superseded with the adoption of General Plan 2025. The vision and a number of key policies and objectives from that plan were incorporated into the Land Use and Urban Design Element of General Plan 2025. The policies and objectives focus on maintaining and improving major park and recreation facilities, preservation of long established residential uses, and enhancement of the small, yet economically successful, commercial and industrial sites and a need to prepare a specific plan balancing a mix of land uses for the Northside Neighborhood through a community input process.

In the Northside Neighborhood, non-residential uses such as office, industrial and commercial can encroach on residential neighborhoods with objectionable noise, odors, and traffic. General Plan 2025 includes a Northside Neighborhood policy (LU-74.5) requiring that industrial properties that interface with residential neighborhoods protect the integrity of those neighborhoods. General

Plan 2025 also includes a City-wide policy not to incentivize the development of warehouse and distribution facilities in industrial areas, but to encourage uses focused on “clean” technology providing high numbers of well-paying jobs, such as biotechnology, research and development, and light manufacturing.

For the Northside Neighborhood, concerns have been raised that additional industrial, manufacturing, distribution, or warehouse development in areas zoned Business and Manufacturing Park (BMP) will 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 that conceived within the General Plan that creates possible inconsistencies and conflicts with residential neighborhoods.

Northside Specific Plan

At the July 14, 2015 City Council meeting, staff was directed to initiate a Request for Qualifications and Proposals (RFQ/RFP) for a consultant to assist with the development of a community-based NSP and EIR. The NSP would result in a vision for the Northside Neighborhood. Following the RFQ/RFP selection and interview process, on December 20, 2016, the City Council approved a Professional Services Agreement with Rick Engineering.

The NSP effort commenced in January 2017 with several community engagement opportunities between 2017 and 2018. These include: three public workshops, two “meet the planners” events, two status updates at the Board of Public Utilities, and one presentation of the Draft Framework Plan at a joint meeting with the City Council and the Board of Public Utilities on August 22, 2018. City and consultant staff regularly attend and present at community organization meetings and events, as requested. Online engagement opportunities are also available for those that cannot attend meetings.

Many of the concerns raised by the community through the planning process relate to the existing, and potential future, impacts of industrial, manufacturing, distribution or warehouse. The concerns include air-quality, noise/vibration and neighborhood character impacts. The community also identified the risk of flooding in a large portion of the Northside Neighborhood as a major concern with the addition of buildings and other impervious surfaces causing an increase in runoff and flooding. Many community members believe that the existing BMP and I zoning in the Northside Neighborhood will have negative impacts on the community in that the land uses allowed in the industrial zones are not compatible with the residential, cultural, or environmentally-sensitive areas and the NSP.

In 2019, a Draft NSP Land Use Plan (Draft Land Use Plan) was presented that reflects the community vision based on the feedback received during the process. Feedback from residents, property owners, and business owners are reflected in that Draft Land Use Plan. The Draft Land Use Plan being analyzed as part of the Draft NSP and Draft EIR, envisions that vacant and underutilized properties zoned as BMP, I or with a General Plan 2025 Land Use Designation of Business/Office Park (B/OP) would transition into medium- to high- density residential uses to minimize future land use conflicts.

The Draft NSP and the Draft EIR are anticipated to be released for public review the week of March 23, 2020.

Proposed Moratorium

The Northside Neighborhood recommended for inclusion in the moratorium is identified in

Attachment 1. 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 and potential flooding hazard, as discussed above. The moratorium would only apply to properties zoned or proposed to be zoned Business Manufacturing Park (BMP) or General Industrial (I).

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 as well as the adoption of specific findings. The City Council must find that there is a current and immediate threat to the public health, safety, or welfare and that approval of any applications would result in that threat to public health, safety, or welfare.

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. Any extension would also require a four-fifths vote. As with the initial interim ordinance, the City Council would need to make findings that there is a current and immediate threat to the public health, safety, or welfare and that approval of any applications would result in that threat to public health, safety, or welfare.

If adopted, the proposed interim ordinance will prohibit the approval of land use entitlements and issuance of building permits for industrial, manufacturing, distribution and/or warehouse uses on properties zoned within the boundaries of the moratorium area. The moratorium would allow approvals for residential uses and other retail/commercial 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:

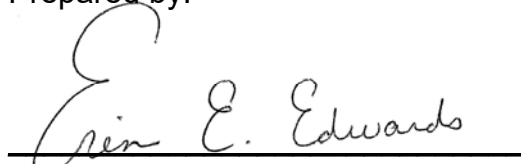
1. The Northside Neighborhood area of the City of Riverside is comprised of established residential areas, including traditional single family residential subdivisions, apartments, and semi-rural home sites, with limited light manufacturing and business office park uses.
2. The existing residential neighborhoods need to be preserved and protected from the impacts of additional industrial, manufacturing, distribution and warehouse uses.
3. It is anticipated that the permitted uses within the Northside will change with the approval and adoption of the NSP.
4. In order to fully protect the health, safety and welfare of the Northside community and its anticipated vision, the NSP and accompanying EIR need to be fully vetted in the public and by the Northside community.

5. Continued industrial, manufacturing, distribution or warehouse uses, and the construction of additional industrial, manufacturing, distribution, 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, vibration, odors and greenhouse gas emissions not associated with existing uses on the existing streets.
6. The General Plan 2025 Land Use and Urban Design Element identifies permissible land use activities under the existing Business/Office Park (B/OP) 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 Business and Manufacturing Park (BMP) and General Industrial (I) thereby creating an inconsistency between the long-range vision for the area and the implementation of the Zoning Code.
7. There is a conflict between the existing, permitted and proposed uses and the community vision, and there is a need to protect and preserve the existing residential neighborhoods, to provide for future development that provides for a balanced community, and there is a need 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 Neighborhood and the General Plan 2025 Objectives and Policies.
8. 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).
9. General Plan 2025 Objective LU-74 seeks to preserve and promote the lower density charm of the Northside Neighborhood.
10. General Plan 2025 Policy LU-71.1 identifies the need to prepare a specific plan for the Northside Neighborhood.
11. 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.
12. 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.

FISCAL IMPACT:

The fiscal impact from approval of this ordinance is currently unknown, as it will be directly related to the permit fees that may have otherwise been collected from the impacted properties.

Prepared by:

A handwritten signature in cursive script, reading "Erin E. Edwards", is written over a horizontal line.

Erin Edwards,
Councilmember, Ward 1

Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Northside Neighborhood
2. Ordinance
3. Presentation