

ORDINANCE NO. _____

An Interim Control Ordinance, prohibiting the issuance of permits related to the warehousing, distribution, and storage use in excess of 15,000 cumulative square feet, within the Cornfield Arroyo Seco Specific Plan area, to protect the health, safety, and welfare of residents and stakeholders within the Cornfield Arroyo Seco Specific Plan Area.

WHEREAS, the proposed Interim Control Ordinance (ICO) is intended to regulate the establishment or expansion of the “warehousing, distribution, and storage” use on properties located within the boundaries of the Cornfield Arroyo Seco Specific Plan (CASP);

WHEREAS, an update to the CASP is underway, and was recommended for the City Council approval by the City Planning Commission on December 14, 2023 as it progresses through several phases of the legislative process;

WHEREAS, the update to the CASP, as recommended by the City Planning Commission, includes new regulations related to the warehousing, distribution, and storage use that would require a discretionary conditional use entitlement process for such a use that exceeds 15,000 square feet;

WHEREAS, the update to the CASP is intended to further regulate industrial land uses to enhance environmentally sound approaches and foster a balanced relationship between housing and industrial activities;

WHEREAS, the update to the CASP is not anticipated to become operative until early 2025;

WHEREAS, the warehousing, distribution, and storage use can have negative health, safety, and welfare impacts on a local community, and the CASP area includes multi-family housing and other sensitive uses in proximity to warehouses, distribution, and storage uses;

WHEREAS, the communities within the CASP area rank within the top three percentile of disadvantaged communities in the State, according to data from the California Office of Environmental Health Hazard Assessment (OEHHA);

WHEREAS, the diesel-powered vehicles mainly utilized by warehousing, distribution and storage facilities release nitrogen oxide (NOx) and diesel particulate matter (DPM) emissions, including particulate matter (PM) 2.5, that exacerbate cardiovascular and respiratory diseases, according to the California Air Resources Board (CARB);

WHEREAS, five out of the six census tracts within the CASP boundaries are disproportionately burdened by multiple sources of pollution in the 96th percentile, and all six of the tracts fall into the 90th percentile of PM 2.5 exposure, according to data from OEHHA;

WHEREAS, early exposure to PM 2.5 increases the likelihood of developing asthma, premature mortality, hospitalization for lung and heart diseases, developmental disorders, and premature birth weight, according to CARB;

WHEREAS, according to data from the Los Angeles Department of Transportation (DOT), there have been a total of thirty-three collisions attributed to truck trailers within the boundaries of the CASP between 2018 and 2023, resulting in one fatality, one serious injury, and approximately nineteen instances of property damage, all of which speaks to the safety risks of warehousing, distribution, and storage, operations and related truck traffic on surrounding residents;

WHEREAS, self-storage facilities, like other structures, such as buildings, roads, and other infrastructure re-emit heat more than natural landscapes, which cause heat islands (www.epa.gov/heatislands);

WHEREAS, industrial areas emit anthropogenic heat, “human-made” heat released into the atmosphere through the use of buildings, vehicles, machinery, and people, and aggravate the urban heat island effect;

WHEREAS, the heat island effects cause temperatures to rise about 1-7 degrees Fahrenheit during the day and approximately 2-5 degrees Fahrenheit during the night;

WHEREAS, anthropogenic waste heat emissions are generated by industrial, transportation, and building energy and exacerbate high land surface temperatures;

WHEREAS, warehouse and storage buildings use more energy levels compared to other commercial buildings (www.eia.gov/consumption/commercial/pba/warehouse-and-storage.php);

WHEREAS, the ICO is necessary to study the intent of the CASP to promote pedestrian oriented and aesthetically pleasing neighborhoods in what has historically been an underserved vehicle oriented industrial area;

WHEREAS, self-storage facilities are typically vehicle-oriented, with a lack of commercial or residential activity that foster pedestrian activity;

WHEREAS, self-storage facilities often have large footprints and long, barren, and impermeable streetwalls that restrict pedestrian and vehicular circulation, which also hinder walkability and transit and active transportation access while having an unwelcoming aesthetic for pedestrians;

WHEREAS, the CASP is adjacent to the urban core of the City and the development of self-storage facilities does not match the density of nearby uses;

WHEREAS, self-storage uses, which are included in the warehousing, distribution, and storage use, tend to provide low employment opportunities, and may be inconsistent with the larger employment and housing goals described under both the existing, and the proposed amended CASP, and there is a need to further study such uses to understand their environmental and economic impacts within the CASP area, as well as their impacts to aesthetics and safety, including as to their impacts on sustainability where most such uses provide little to no on site vegetation and can result in a heat island effect, and create large areas of the right of way with little to no visibility; and

WHEREAS, immediate protections are needed while the City awaits the adoption and implementation of the updated CASP, which includes new regulations pertaining to warehousing, distribution, and storage uses.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. **RECITALS.** The foregoing recitals are true and correct and incorporated herein by reference.

Sec. 2. **FINDINGS.** Based upon the above recitals and the record the City Council finds:

A. There is a current and immediate threat to the public health, safety, and welfare from the introduction of new warehousing, distribution, and storage uses that result in an excess of 15,000 cumulative square feet in the CASP area. Approval of additional use permits, additional subdivisions, variances, building permits, or any other applicable entitlement for new warehousing, distribution, and storage uses that result in an excess of 15,000 cumulative square feet in the CASP area which is required to comply with the CASP and the Zoning Ordinance would result in that threat to public health, safety, or welfare. Such uses can introduce new or increased air quality impacts that should be studied to determine if they should be subject to a discretionary approval process that involves environmental review and mitigation of health and safety impacts to the local community. Such uses may also deter from the overall housing and employment goals of the CASP, and may have impacts to aesthetics, safety, and may not meet City sustainability policies, and further study is needed to understand the relationship between storage uses and the environmental effects described herein, as well as the housing and employment goals of the CASP, and the aesthetic, safety, and sustainability goals of the General Plan. The threat is imminent because City and State law provide multiple vesting opportunities, including but not limited to vesting tentative and parcel maps, vesting zone

changes, and vesting conditional use permits, that grant vesting rights for a project to proceed upon a complete application being filed.

B. The Ordinance will protect the public health, safety, and welfare.

C. The Ordinance will prevent the introduction of new or expansion of existing warehousing, distribution, and storage uses.

D. The City Council finds this Ordinance is not subject to the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15060(c)(2) and Section 15061(b)(3), because adoption of the ordinance will not result in a directly or reasonably foreseeable indirect physical change in the environment and has no potential for resulting in a significant effect on the environment as the ordinance will maintain the status quo.

Sec. 3. **DEFINITIONS.** The words and phrases used in this ordinance shall be construed as defined in Section 12.03 of Chapter I of the Los Angeles Municipal Code and the CASP.

Sec. 4. **PROHIBITION.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, while this ordinance is in effect (as provided in Section 6), the following permits are prohibited:

A building permit, a tenant improvement permit, or a change of use permit that results in an excess of 15,000 cumulative square feet of the warehousing, distribution and storage use on any site.

As used in the above, the term “warehousing, distribution and storage” shall be as defined in the Cornfield Arroyo Seco Specific Plan, Ordinance No. 182,617.

Sec. 5. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to the CASP area, as shown in Ordinance No. 182,617, referred to herein as the “Interim Control Area.”

Sec. 6. **EXTENSION OF REGULATIONS AND SUNSET PROVISIONS.** This ordinance will be in effect immediately upon passage and will be in effect for 45 days. The City Council may by resolution extend the effective dates of this ordinance for a 10-month and 15-day period, which can be further extended to an additional year from the effective date of this ordinance so long as the Council makes findings required in Government Code Section 65858(c). The ordinance will be of no further force and effect upon any comprehensive update to the CASP becoming operative subsequent to the adoption of this ordinance.

Sec. 7. **HARDSHIP EXEMPTION.** The City Council, acting in its legislative capacity and by resolution, may grant hardship exemptions from any or all of the provisions of this ordinance in cases of extreme hardship duly established to the

satisfaction of the City Council. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 8. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 9. **APPLICABILITY OF THE ZONING CODE.** The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter I and Chapter 1A of the Los Angeles Municipal Code and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or other ordinances.

Sec. 10. **URGENCY CLAUSE.** Pursuant to Government Code Section 65858 this ordinance shall become effective upon adoption.

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By _____
KATHRYN PHELAN
Deputy City Attorney

Date October 18, 2024

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than four-fifths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____