

TO CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#54

RESOLUTION

WHEREAS, on November 6, 2024, the Council adopted an Interim Control Ordinance (ICO), Ordinance No. 188402 (Council File No. 13-0078-S3), and became effective on November 11, 2024, to temporarily prohibit 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; and

WHEREAS, the prohibition of permits associated with warehousing, distribution, and storage uses exceeding 15,000 square feet within the ICO area became effective for 45 days and would expire on December 26, 2024; and pursuant to Government Code Section 65858, the Council may, by Resolution, extend the provisions of this ordinance for 10 months and 15 days period, which can be further extended to an additional year so long as the Council makes required findings; and

WHEREAS, the ICO is necessary to protect the health, safety, and welfare of residents and stakeholders within the Cornfield Arroyo Seco Specific Plan Area (CASP) area as the update to the CASP is underway through several phases of the legislative process, which will not become operative until late 2025; and

WHEREAS, the CASP update, 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; and

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

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; and

WHEREAS, the majority of residents are from Latine and Asian backgrounds; approximately 48% of renter households and earn below a very low-income threshold of \$59,550 for a family of four, and where, according to data from the California Office of Environmental Health Hazard Assessment (CalEnviroScreen 4.0), these communities rank within the top 3% percentile of disadvantaged communities in the State. For decades, these communities have faced resource scarcity and environmental injustice; and

WHEREAS, studies from reputable experts and organizations illustrate an array of short-term and long-term effects on the health, environment, and safety of warehouse facility operations in urban areas. A 2020 study from the University of California (UC), Davis, found that the diesel-powered vehicles mainly utilized by warehousing facilities release nitrogen oxide (NOx) emissions into the atmosphere that, when mixed with other compounds found in the presence of sunlight, create ozone — a harmful gas that contributes to smog, lung irritation, inflammation, and chronic illnesses. Additionally, the trucks emit a variety of pollutants, including small particles known as diesel particulate matter (DPM), a subset of particulate matter (PM) 2.5, one of the most detrimental particles that exacerbate various cardiovascular and respiratory diseases (Angelo, 2020).



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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; and

WHEREAS, on December 3, 2024, a report was filed by the the Planning Department pursuant to Government Code Section 65858(d) and Council has adopted the report as its own describing the measures that have been taken thus far toward the adoption of permanent land use regulatory controls, and Interim Control Ordinance No. 188402 will expire on December 26, 2024, unless this first 10 months and 15 days extension is adopted; and

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the Council hereby extends the provisions of Ordinance No. 188402 imposing temporary interim regulations 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; for an extension period of 10 months and 15 days, inasmuch as the appropriate City agencies and officials are exercising due diligence and actively working towards the adoption of the appropriate permanent land use regulatory controls.

PRESENTED BY: _____

EUNISSES HERNANDEZ
Councilmember, 1st District

SECONDED BY: _____

Heather Holt

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