

Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R24-0315
JUN 12 2024

REPORT RE:

**DRAFT ORDINANCE ADDING SUBDIVISION 36 TO SUBSECTION A OF SECTION
12.22 OF ARTICLE 2 OF CHAPTER I OF THE LOS ANGELES MUNICIPAL CODE
TO REGULATE NEW OR EXPANDED TRUCKING-RELATED USES IN THE
WILMINGTON-HARBOR CITY COMMUNITY PLAN AREA**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 24-0555

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance adds Subdivision 36 to Subsection 12.22.A, Section 12.22, Article 2, Chapter 1 of the Los Angeles Municipal Code (LAMC) to define and prohibit trucking-related uses in the boundaries of the Wilmington-Harbor City Community Plan (Community Plan).

Background

On June 29, 2022, the City Council adopted an interim control ordinance, Ordinance No.187,552 (hereinafter, "ICO"), to prohibit new or expanded trucking-related uses in the Community Plan area (except the area east of Alameda Street and the Wilmington Industrial Park area South of G Street and east of Broad Avenue), while the City prepared new regulations for trucking uses in the Community Plan area as part of the Community Plan Update then being processed. (CF 22-0231.)

On May 23, 2023, the City Council extended the ICO for another year, pursuant to Government Code Section 65858. The ICO expires on July 6, 2024.

On June 5, 2024, prior to the expiration of the ICO, the City Council requested the City Attorney's Office to prepare and present an ordinance to permanently prohibit new or expanded trucking-related uses in the Community Plan area, except for the industrial area east of Alameda Street and the Wilmington Industrial Park area generally located south of G Street, east of Quay Avenue, south of D Street and Lakme Avenue.

Summary of Ordinance Provisions

The draft ordinance would add new definitions to the City's Zoning Ordinance for "trucking-related uses," "geographic project area," "electric vehicle charging facility, large vehicles," and "sensitive use." The definitions will only apply to Subdivision 36.

The draft ordinance prohibits the issuance of all permits and certificates of occupancy associated with the establishment or expansion of trucking-related uses, as defined in the ordinance, except for an electric vehicle charging facility for large vehicles, that meets design standards in the draft ordinance. This exception is to allow new electric charging stations for large trucks to meet the State's and City's goals to reduce greenhouse gas emissions.

Charter Findings

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the draft ordinances, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent, and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's Transmittal Report or make its own.

Urgency Clause

As requested by the City Council and in accordance with City Charter Section 253, the draft ordinance contains an urgency clause for the immediate preservation of the public peace, health, and safety, and is effective upon publication. This urgency clause is necessary because permanent measures are needed for the immediate protection of residential areas from adverse impacts such as noise, dust, visual and air quality impacts, and increased truck traffic through residential streets caused by the

establishment of Trucking-Related Uses near residential neighborhoods as supported by the administrative record.

CEQA Determination

The Department of City Planning (DCP) is recommending that the draft ordinance is subject to the commonsense exemption pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), which provides that a project is exempt from CEQA if the draft ordinance is of a type that clearly does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. DCP is recommending this determination is supported because the draft ordinance does not authorize new development, but reduces impacts caused by potential new trucking activities.

DCP is also recommending that the draft ordinance is categorically exempt from CEQA under the Class 8 categorical exemption (California Code of Regulations, title 14, section 15308), which provides an ordinance is exempt, which is adopted "to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." DCP is recommending substantial evidence supports the draft ordinance meets the Class 8 exemption because adoption of the draft ordinance will protect the environment and public health from air quality and traffic impacts from trucking activities from new or expanded trucking uses prohibited by the ordinance.

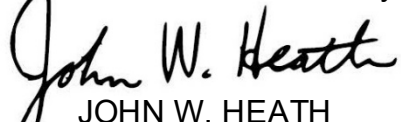
Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Kathryn C. Phelan at (213) 978-8242. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN W. HEATH
Chief Assistant City Attorney

JWH:KCP:jr
Transmittal