



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R24-0520
OCT 18 2024

REPORT RE:

DRAFT 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 PUBLIC HEALTH, SAFETY, AND WELFARE OF RESIDENTS AND STAKEHOLDERS WITHIN THE CORNFIELD ARROYO SECO SPECIFIC 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. 13-0078-S3

Honorable Members:

We are transmitting to you for your consideration, approved as to form and legality, the enclosed draft interim control ordinance (ICO), which would 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 (CASP) area, to protect the public health, safety, and welfare of residents and stakeholders within the boundaries of the CASP.

Government Code Section 65858

Government Code Section 65858 authorizes a legislative body to adopt an ICO as an urgency measure, without following the procedures otherwise required by law

prior to the adoption of the ordinance, to protect the public safety, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying. The ordinance must contain legislative findings specifying a current and immediate threat to the public health, safety, or welfare, and that approval of additional entitlements or building permits would result in that threat to public health, safety or welfare. The urgency measure requires a four-fifths vote and shall be of no further force and effect 45 days from the date of its adoption unless extended pursuant to statute, for a total period of not more than 24 months. Thereafter, another interim control ordinance can only be adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim control ordinance. (Gov't Code Sec. 65858(f).)

Summary of Ordinance Provisions

The draft ICO prohibits the issuance of 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 (as defined in the CASP) on any site.

The “warehousing, distribution, and storage” use is defined in the CASP as:

Uses that package, provide, hold, and/or distribute goods in large quantities, especially to retail sales establishments. Long-term and short-term storage of commercial goods and personal items are included.

The draft ICO would be in effect for 45 days from its effective date with the possibility of a 10-month and 15-day extension, which may be further extended for an additional one year from the effective date of this draft ICO, or until a comprehensive update to the CASP is adopted.

Urgency Clause

Pursuant to Government Code Section 65858, the draft ICO contains an urgency clause for the immediate preservation of the public peace, health and safety, and is effective upon adoption by the City Council.

CEQA Findings

Regarding the California Environmental Quality Act (CEQA), the Planning Department recommends that the City Council may determine that the draft ICO is exempt from CEQA, pursuant to California Code of Regulations, Title 14, Section 15060(c)(2) and Section 15061(b)(3), because adoption of the ICO will not result in a direct, or reasonably foreseeable indirect, physical change in the environmental and has

no potential for resulting in a significant effect on the environment as the ICO will maintain the status quo.

Council Rule 38 Referral

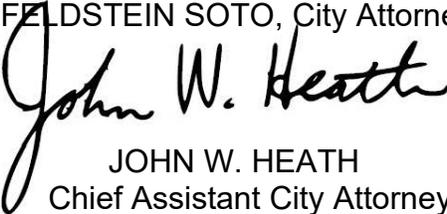
A copy of the draft ICO was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Department of City Planning. We requested the Departments to report their comments directly to you.

If you have any questions regarding this matter, please contact Deputy City Attorney Kathryn 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