

ORDINANCE NO. _____

An Interim Control Ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, 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 community.

WHEREAS, the proposed Interim Control Ordinance 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 and safety impacts on a local community, and the CASP area includes multi-family housing and other sensitive uses in proximity to warehouses and other such industrial land 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 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, which speak to the safety risks of warehousing operations and related truck traffic on surrounding residents; 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.

Section 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 in the CASP area. 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.

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 environmental and has no potential for resulting in a significant effect on the environment as the ordinance will maintain the status quo.

Section 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, for a period of 45 days, with the possibility of a 10-month and 15-day extension, which can be further extended to an additional year from the effective date of this ordinance, or until the update to the CASP is operative:

The issuance of any of the following permits is 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.

Sec. 5. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all properties as shown on Map 1 of this ordinance, referred to as the “Interim Control Area.”

Sec. 6. **EXTENSION OF REGULATIONS.** The City Council may by resolution extend the provisions of this ordinance for 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 the following findings: That the extension is necessary to protect the threat to the public safety, health, and welfare of the residents in the Interim Control Area, from the air impacts and transportation safety impacts from the operation of heavy trucks near residential uses, pursuant to the requirements of Government Code Section 65858.


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.** The City Council finds and declares that this ordinance is required for the immediate protection of the public health, safety, and welfare because the warehousing, distribution, and storage uses in the Interim Control Area pose a threat to the disadvantaged communities within or in proximity to the CASP area who are overburdened by such uses, including from NOx, DPM, and PM2.5 emissions from, and from accidents involving, heavy trucks associated with warehousing, distribution and storage uses. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Map 1: Cornfield Arroyo Seco Specific Plan Area

 Cornfield Arroyo Seco Specific Plan

