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CITY PLANNING**

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June 22, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**REPORT RELATIVE TO PROPOSED TRUCKING-RELATED USES INTERIM
CONTROL ORDINANCE; CF 22-0231**

On March 1, 2022, a motion was introduced by Council District 15 (Buscaino) instructing the Department of City Planning, in consultation with the City Attorney to prepare an Interim Control Ordinance (ICO) as an immediate temporary measure to prohibit the issuance of any demolition, building, grading, and any other applicable permits to prevent the establishment of new, or the expansion of existing truck parking, open storage and container storage uses on all industrial land in the Wilmington-Harbor City Community Plan Area for the duration of 45 days, with the possibility of a 10-month and 15-day extension which can be further extended to an additional year. The Motion also included an Urgency Clause consistent with California Government Code § 65858, making it effective upon publication.

As introduced on March 1, 2022 the motion included instructions to: "... prohibit the issuance of permits or certificates of occupancy associated with any demolition, building, use of land, grading for 'open storage', 'truck parking', 'container storage' on all industrially zoned properties within the Wilmington-Harbor City Community Plan Area..."

After conducting more research on the applicability of the ICO to the Wilmington-Harbor City Community Plan area boundaries, and after meeting with LADBS regarding the subject uses and trucking activities, Planning Department staff are adding more specificity to prohibit all trucking-related uses, including but not limited to truck parking, truck storage, trucking yard and trucking terminal. The ICO would prohibit all permits for the subject uses on industrial land in the Wilmington-Harbor City Community Plan Area,

except for the area east of Alameda Street and the Wilmington Industrial Park area located south of G Street and east of Broad Avenue.

The Planning Department is recommending expanding the boundary to include Harbor City (area west of I-110) within the ICO (see Exhibit E-1: Draft ordinance and map). Similar to Wilmington, Harbor City's close proximity to the Port of Los Angeles has peaked a high level of interest for trucking-related uses to locate and operate within this side of the plan area; inclusion in the ICO will prevent these uses sprawling out into other parts of the plan area. Furthermore, it will protect other sensitive residential neighborhoods within the plan area from adverse health and environmental impacts caused by these uses. The Department is also recommending that the Wilmington Industrial Park area located south of G Street and east of Broad Avenue be excluded from the ICO. This solid pocket of industrial land is located close to the Port of Los Angeles and Port of Long Beach with direct connection to active rail lines and is easily accessible to nearby freeways. This area would be suitable to permit the trucking-related uses the ICO is prohibiting.

Background

The Wilmington-Harbor City Community Plan Update is currently in process. The update process is an opportunity to address community issues and incompatible land use patterns and make the necessary changes to land uses and zoning regulations. The establishment, and/or enlargement of trucking-related uses near residential uses are inconsistent with the goals, policies and proposed land uses of the Wilmington-Harbor City Community Plan Update which seek to protect residential areas from adverse impacts caused by nearby heavy or incompatible industrial uses. The Wilmington-Harbor City Community Plan Update is nearly complete, however, the crisis at the Ports has accelerated and is driving the expansion of these negative uses into new locations that will soon be prohibited once the Community Plan is implemented.

The subject council motion was initiated to address the problems associated with these trucking-related uses, which have recently become an increasingly critical issue specifically as the voluminous demand for shipping and port activities has dramatically increased. The effects of the global pandemic have severely impacted the global supply-chain. The Port of Los Angeles has seen those impacts and has faced an unprecedented crisis over the last two years. In 2021, the Port transported more cargo containers than at any point of its 115 years in existence. Due to the large amount of cargo being moved, it caused an adverse ripple effect in the Wilmington and Harbor City communities. Additionally, the trucks and trailers transloading cargo has negatively impacted surrounding neighborhoods and has overwhelmed local streets. Implementation of an ICO is necessary to address the urgent circumstances and prevent the further establishment and expansion of these uses until the Community Plan adoption is finalized.

Discussion

The location of the Wilmington-Harbor City Community Plan Area adjacent to the harbor and Ports of Los Angeles and Long Beach creates a strong demand for many types of trucking uses and related container storage. Numerous sites in Wilmington are used for various types of trucking-related uses that transport cargo containers coming into the Ports. In recent years, the Ports of Los Angeles and Long Beach have been experiencing record breaking cargo volumes which has accelerated this type of activity throughout the Community Plan Area. With approximately 39% of the plan area designated for industrial uses, there are several industrial areas located away from residential neighborhoods that can accommodate some of this increased demand. However, many of these uses are currently locating in areas adjoining residential areas, including public rights-of-way along residential streets, which has become a contentious issue in the community.

From 2020 to the present, the Port of Los Angeles has faced an unprecedented crisis. Due to the impacts of the global pandemic on the supply chain, the Port went from rarely having a single ship waiting offshore to a record 109 ships waiting offshore to unload in January of 2022.¹ In 2021, the Port of Los Angeles moved more containers than at any point in its 115-year history which had a “tidal wave” effect on its neighbors, overwhelming local streets with large trucks and trailers transloading cargo.

This unprecedented international crisis has spilled over into almost every facet of American life from storage of critical supplies to long lines of semi-trucks across U.S. highways; but no community in the country has felt the burden of these impacts more than Wilmington, CA. Located directly adjacent to the Ports of Los Angeles and Long Beach - lines of semi-trucks back up for miles, containers are simply abandoned on city streets, and there is a proliferation of trucks, heavy duty forklifts, and other machinery in the community. Wilmington is experiencing large drayage trucks driving at high rates of speed down residential streets and non-truck routes, with little regard for the safety of the community. Many of these trucking-related uses are visually unattractive, involve truck idling on public streets, result in the unpermitted storage/stacking of cargo containers near residential areas, and create negative health and environmental impacts to the community. In many instances, trucking operations spill over into the public right-of-way with trucks, containers and chassis parked on local streets, as well as on properties not approved for this type of use. These unpermitted activities will increase as additional trucking-related businesses are established.

To address the issues stemming from the supply chain crisis, Council District 15 formed a task force in October 2021 with representatives from several city departments. The primary focus of the taskforce is the enforcement of unpermitted trucking-related activities, including trucks idling and blocking roadways, containers on the public right-of-way, illegally parked trucks/chassis, and trucking yards with unpermitted container

¹ Source: Port of Los Angeles, Port of LA Shipping Data, May 12, 2022 provided by CD-15 staff.

storage/stacking. To date, almost 50 businesses have been, or are in the process of being inspected for compliance and hundreds of citations have been issued for non-truck route moving violations, parking violations and blocked roadways. However, this is a strain on staff resources and cannot be sustained indefinitely. To date, Bureau of Street Services has issued 197 citations; Building and Safety has 29 cases, 22 order to comply cases which are now going into noncompliance and filed for 22 hearings with the City Attorney's Office; and Port Police has issued 2,295 parking citations and 908 personal citations.²

Existing land use and development patterns of the Wilmington-Harbor City Community Plan are such that in many areas, properties designated as Limited or Light Industrial are located directly adjacent to residential areas that are designated Low, Low Medium I, Low Medium II, and Medium Residential. The existing zoning and building regulations provide minimal use and development restrictions. As a result, residents in these areas have been disproportionately burdened by exposure to pollutants, as well as safety and aesthetic impacts, among others. The establishment of trucking-related uses near residential neighborhoods would create further impacts to the quality of life for community residents. These neighborhoods may be subjected to noise, dust, visual and air quality impacts, and increased truck traffic through residential streets that would impact circulation and pedestrian safety.

The Planning Department has been working with the community since 2018 on the Wilmington-Harbor City Community Plan Update. Throughout the community engagement process of this multi-year effort, community members have voiced concerns about incompatible land uses, truck idling, the intrusion of truck traffic and unpermitted container storage uses, and other impacts from industrial uses near residential areas. As a result, the Community Plan Update seeks to address the industrial-residential land use conflicts and community concerns through proposed changes to land uses and the development of new zoning tools to better regulate the subject uses. The proposed Plan seeks to establish a Hybrid Industrial land use in targeted areas to create a physical buffer between residential and industrial areas to mitigate the health, environmental and nuisance issues that arise from the existing incompatible land use patterns.

As previously discussed, since 2020 the demand for trucking-related uses has increased significantly due to the crisis at the Ports. Many of these uses have been locating adjacent to residential neighborhoods in areas that are currently proposed to transition from industrial to a more appropriate, compatible land use through the Community Plan Update. The timely establishment of the ICO is needed in order to prevent any further impacts associated with such uses until the Wilmington-Harbor City Community Plan Update is completed. The ICO would allow the Department of City

² Source: Wilmington Truck and Container Taskforce, Properties and Citation Log, June 2, 2022 provided by CD-15 staff.

Planning time to finalize the new zoning and permanent regulatory controls and take the Community Plan through the adoption process.

Conclusion

The Wilmington-Harbor City Community Plan Update, currently underway, will establish new zoning and regulatory measures that adequately address the impacts associated with trucking-related uses. In the interim, approval of the proposed interim control ordinance is necessary to temporarily prohibit the issuance of new permits for trucking-related uses, including but not limited to truck parking, truck storage, trucking yards and trucking terminals, or the further expansion of existing ones, to prevent further impacts and irreversible damage to the community, and to ensure the purpose of the pending new regulations and the objectives of the Wilmington-Harbor City Community Plan Update are not undermined. The ICO contains an urgency clause, as its immediate implementation is critical to prevent the establishment of such uses that would be detrimental to the Wilmington and Harbor City communities.

The enactment of the proposed ICO would:

- Prohibit the issuance of all permits associated with the establishment of new trucking-related uses including but not limited to truck parking, truck storage, trucking yard, trucking terminal and or expansion of existing uses, located in whole or in part within the proposed ICO boundary (see Exhibit E-1: Draft ordinance and map).
- Remain in effect for a period of 45 days (with a ten month and 15 days extension which can be further extended for an additional 1 year) or until the adoption of the Wilmington-Harbor City Community Plan or other appropriate land use regulatory controls have been prepared and adopted by the City Council and become effective, whichever occurs first.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

Shana Bonstin

Shana M. M. Bonstin
Deputy Director of Community Planning

VPB:SMMB:HUL:RC:MC:ja

Enclosure

FINDINGS

General Plan/Charter Findings

City Charter Section 556. In accordance with City Charter Section 556, the subject ordinance is in substantial conformance with the purposes, intent, and provisions of the City's General Plan, in that the ordinance seeks to improve the physical environment by imposing a temporary prohibition on the issuance of all permits and certificate of occupancy associated with the establishment of new, or expansion of existing trucking-related uses, including but not limited to truck parking, truck storage, trucking terminal and trucking yard uses.

This proposed ordinance is consistent with the Wilmington-Harbor City Community Plan (Update), in that it will temporarily prohibit further establishment or expansion of trucking-related uses within the Plan Area, and thereby protect residential areas of the community from adverse health and environmental impacts caused by these uses, pending the solution to these problems. This is consistent with the numerous objectives and policies of the Community Plan to protect residential areas from negative impacts caused by nearby industrial uses.

City Charter Section 558. In accordance with City Charter Section 558, the subject Interim Control Ordinance is in substantial conformance with public necessity, convenience, general welfare and good zoning practice in that it provides protections to the Wilmington and Harbor City communities by temporarily prohibiting the issuance of all permits related to the establishment of new trucking-related uses within the proposed ICO boundary area until appropriate land use regulatory controls become effective.

The proposed ordinance is consistent with the intent of the General Plan and other plans in that it will further improve the physical environment of the Wilmington and Harbor City communities by imposing a temporary prohibition on the establishment of trucking-related uses. Program 18 of the General Plan Framework is to "amend the Zoning Ordinance to implement the policies and standards of the General Plan" and enacting a temporary prohibition on the establishment of trucking-related uses would help decrease the potential adverse impacts on the Wilmington-Harbor City Community Plan Area and would allow for adequate time to finalize the Wilmington-Harbor City Community Plan Update.

The **Health and Wellness Element** of the General Plan Goal 1 calls for "Los Angeles, [to be] a leader in health and equity." In addition, Objective 1.3 calls for the "promotion of healthy communities by focusing on prevention, interventions, and by addressing the root causes of health disparities and inequities in Los Angeles." This is further expanded upon by Objective 1.5 directing such intervention to utilize existing tools, practices, and programs to "improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions." The subject uses create an environment that does not support the City's goals of health and equity. As an interim control measure, the prohibition of trucking-related uses prevents intensification of health disparities and inequities.

The **Housing Element** of the General Plan Goal 2 promotes "safe, livable, and sustainable neighborhoods" with Objective 2.1 which directs the City to "promote safety and health within neighborhoods." This is further expanded upon by Policy 2.1.2 which calls for the City to "establish development standards and other measures that promote and implement positive health outcomes." As an interim control measure, the prohibition of trucking-related uses would allow the City to promote the above-stated goal, objective, and policy by continuing to guide growth and development that meets the needs of current and future residents, including the ability to live in neighborhoods without trucking-related uses that have a demonstrated record of disrupting quality of life.

City Charter Section 253. In accordance with City Charter Section 253, the proposed ordinance contains an Urgency Clause for the immediate preservation of the public peace, health, and safety, and is effective upon publication. Delaying implementation of this ordinance could create irreversible and incompatible development of many more subject uses that would not be consistent with the protection and enhancement of neighborhoods and would further impact public health and environmental conditions in the Wilmington and Harbor City communities.

California Environmental Quality Act Findings

The City determined that the proposed Interim Control Ordinance (ICO) is exempt from the California Environmental Quality Act of 1970 (CEQA), pursuant to Article 19, Section 15308, Class 8, which "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." The proposed Interim Control Ordinance will place a temporary prohibition on the establishment of new, or expansion of existing, trucking-related uses within the ICO boundary. The establishment of new trucking-related uses could continue to impact the safety and environmental conditions of the residential and commercial areas in Wilmington and Harbor City resulting in potentially irreversible adverse impacts on the community. Thus, the use of Categorical Exemption Class 8 from the State CEQA Guidelines for the Interim Urgency Ordinance is consistent with other California jurisdictions, which find that the regulations placed upon the subject use is necessary for the protection of the environment and will prevent any further impacts associated with the establishment of such uses within the Wilmington-Harbor City Community Plan Area.

Moreover, the proposed Interim Control Ordinance is exempt from the City's CEQA Guidelines pursuant to Article II Section 2 (m) in that it is only a temporary measure until appropriate land use regulatory controls are established and will not result in any impacts on the physical environment.

ORDINANCE NO. _____

An interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, prohibiting the issuance of all permits or certificates of occupancy associated with any demolition, building, use of land, or grading for all 'trucking-related uses,' including but not limited to truck parking, truck storage, trucking yard and trucking terminal on all industrially zoned properties within the Wilmington-Harbor City Community Plan Area to protect the public health, safety, and welfare, in the area generally bounded by the following: Sepulveda Boulevard and Lomita Boulevard to the north, Alameda Street to the east, Western Avenue to the west, and the jurisdictional boundary with the Port of Los Angeles to the south (generally Harry Bridges Boulevard), except the Wilmington Industrial Park area south of G Street and east of Broad Avenue.

WHEREAS, the proposed Interim Control Ordinance Project Area is located within the Wilmington-Harbor City Community Plan, which is a part of the General Plan of the City of Los Angeles;

WHEREAS, the community of Wilmington currently contains numerous sites used for all varieties of trucking-related uses, including but not limited to truck storage, truck parking, trucking terminals, and trucking yards, as the primary uses of the land;

WHEREAS, approximately one-third of the total Project Area is designated Limited Industrial with corresponding MR1, M1, P Zones, Light Industrial with corresponding MR2, M2, P Zones, and Heavy Industrial with corresponding M3, P Zones, with no buffer to residential in many areas;

WHEREAS, trucking-related uses are permitted uses in the MR1, M1, MR2, M2 and M3 Zones;

WHEREAS, many industrially planned areas of the Project Area are currently adjoined by residentially developed areas designated Low, Low Medium I, Low Medium II, and Medium Residential;

WHEREAS, the residential areas located near trucking-related uses may be subjected to noise, dust, visual and air quality impacts, and truck traffic through residential streets that would impact circulation and pedestrian safety, and therefore require protection from the adverse impacts generated by these uses;

WHEREAS, the residential areas throughout Wilmington and Harbor City have been disproportionately burdened by exposure to pollutants, and the establishment of additional trucking-related uses near residential neighborhoods would create further impacts to the quality of life for community residents;

WHEREAS, the existing zoning and building regulations provide minimal development restrictions to oversee the usage and operation of various trucking-related uses and are largely inadequate to address the adverse impacts created by these uses, including truck idling, truck intrusion into residential areas, unpermitted container storage/stacking onsite, the substandard maintenance of various industrial sites and difficulty of enforcement of these operations, which has generated nuisance complaints from nearby residents;

WHEREAS, the City Planning Department has been working with the community since 2018 to update the Wilmington-Harbor City Community Plan and has proposed creating Hybrid Industrial zones as physical buffers to mitigate the environmental, health, aesthetic, circulation and nuisance issues that arise from decades of incompatible land use patterns that have resulted in single-family homes directly abutting industrial uses;

WHEREAS, the crisis at the Ports has accelerated and is driving the expansion of these trucking-related uses into new locations that will be soon prohibited once the Community Plan is implemented;

WHEREAS, the City Planning Department is preparing new zoning and regulations to address these issues, where public meetings have been held to integrate community input into the proposed new zoning and regulations;

WHEREAS, it is expected to take several months for the proposed land uses, new zoning and regulations to be adopted and become effective and in the interim, irreparable harm to the community could occur if new trucking-related uses were to locate in the area without the benefit of new zoning and regulations;

WHEREAS, the establishment, and/or enlargement of these uses may occur in the interim because the uses are currently permitted under the existing zoning;

WHEREAS, the establishment, and/or enlargement of these uses is inconsistent with numerous objectives and policies of the Wilmington-Harbor City Community Plan to protect residential areas from adverse impacts caused by nearby industrial uses;

WHEREAS, the establishment, and/or enlargement of any trucking-related uses may be contrary to the goals and proposed regulations of the Wilmington-Harbor City Community Plan and may undermine the purpose of the pending new regulations;

WHEREAS, the establishment, and/or enlargement of any trucking-related uses may be detrimental and cause irreversible damage to the communities of Wilmington and Harbor City when these uses gain legal nonconforming rights; and

WHEREAS, it is urgent to protect the public health, safety, and welfare by immediately preventing the issuance of permits or certificates for the establishment of new or expansion of existing trucking-related uses, including but not limited to truck parking, truck storage, trucking yard and trucking terminal uses until the updated Wilmington-Harbor City Community Plan is adopted.

NOW, THEREFORE,

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

Section 1. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code.

Trucking-Related Uses include but are not limited to the following:

- (a) **Truck Parking (Parking of Trucks).** A building, structure or principal use of land used to park freight trucks, freight truck trailers or the associated equipment/ accessories including but not limited to, storage of chassis, container stackers, cranes and forklift trucks;
- (b) **Truck Storage (Commercial Vehicle Storage).** A building, structure or principal use of land used to store freight trucks, freight truck trailers or the associated equipment/ accessories including but not limited to, storage of chassis, container stackers, cranes and forklift trucks;
- (c) **Trucking Terminal.** A building, structure or principal use of land where freight trucks dock to unload/ load and transport goods and may include the storage of freight trucks or truck trailers or associated equipment/ accessories including but not limited to, chassis, container stackers, cranes and forklift trucks;
- (d) **Trucking Yard.** A building, structure or principal use of land used to store freight trucks, freight truck trailers or the associated equipment/ accessories including but not limited to chassis, container stackers, cranes and forklift trucks and may include a maintenance yard.

Sec. 2. 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 Wilmington-Harbor City Community Plan Update is adopted or other appropriate land use regulatory controls which regulates trucking-related uses within the area covered by this ordinance, and as shown on the map identified in Section 3, whichever occurs first:

No building or use of land permits, or certificates of occupancy shall be issued for the establishment or expansion of trucking-related uses of any kind.

Sec. 3. INTERIM CONTROL AREA. The provisions of this ordinance shall apply to industrially zoned properties within the Wilmington-Harbor City Community Plan Area, generally bounded by the following: Sepulveda Boulevard and Lomita Boulevard on the north, Alameda Street on the east, Western Avenue on the west, and the jurisdictional boundary with the Port of Los Angeles on the south (generally Harry Bridges Boulevard), except the Wilmington Industrial Park area located south of G Street and east of Broad Avenue (Project Area) as shown on the attached map.

Sec. 4. 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 appropriate City agencies and officials are exercising due diligence to assure that the ordinance is being expeditiously processed.

Sec. 5. 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. 6. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 7. **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 1 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. 8. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: Interim 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. This ordinance will prevent potentially irreversible negative impacts on the community resulting from the establishment of additional trucking-related uses. Many of these uses are currently locating in areas adjoining residential areas, including public rights-of-way along residential streets, which has become a contentious issue in the community. Without appropriate planning and policy measures this type of development could continue to undermine the objectives of the Wilmington-Harbor City Community Plan. This ordinance is necessary to prevent further impacts to the community, pending adoption of appropriate regulatory measures that regulate these uses. For all these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 9. 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

MICHAEL N. FEUER, City Attorney

By _____

Date _____

File No. _____

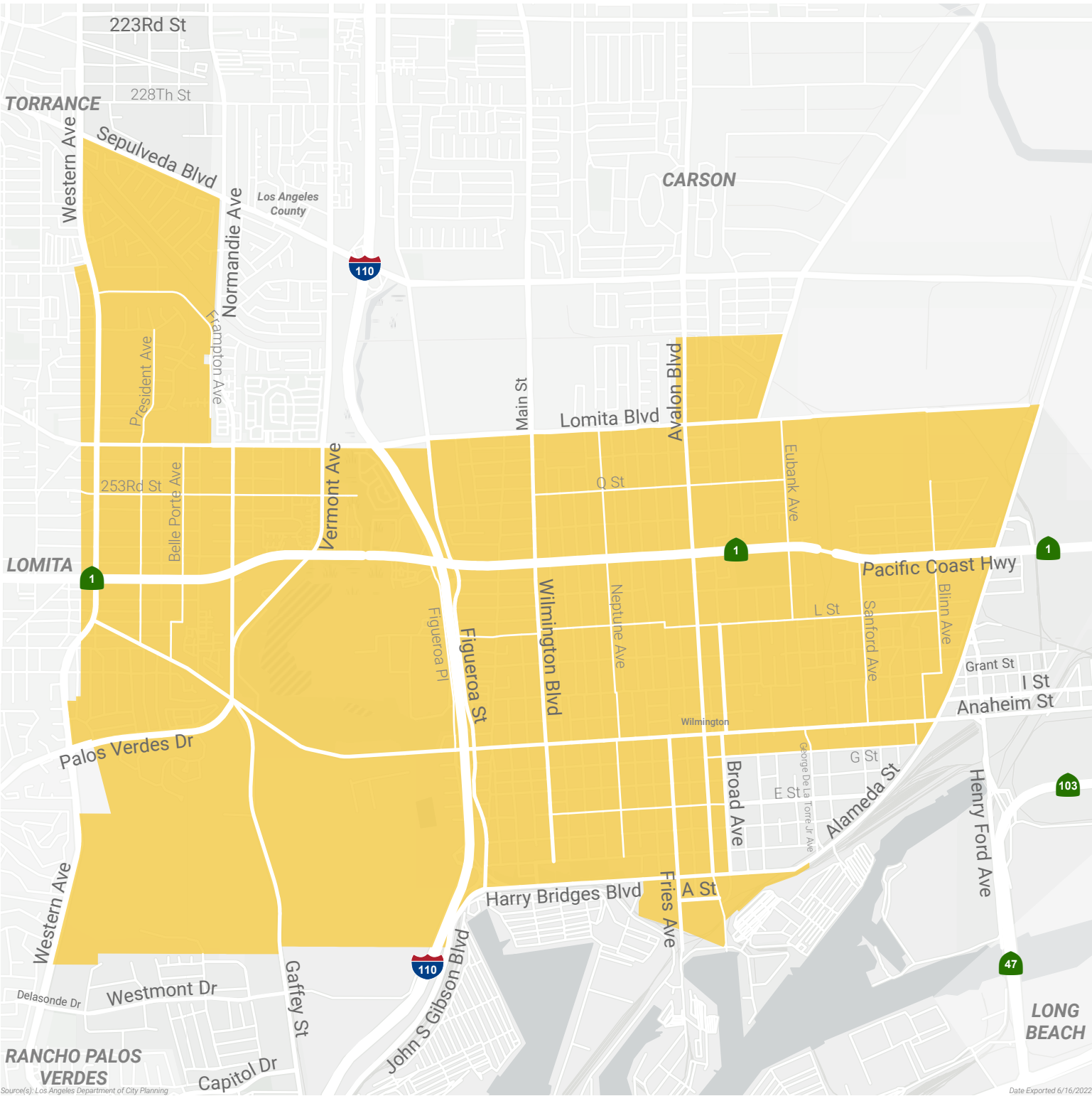
The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than four-fifths of all its members.


CITY CLERK

Ordinance Passed _____

Wilmington-Harbor City Trucking-Related Uses

Interim Control Ordinance Boundaries



 Interim Control Ordinance (ICO) Boundaries

