

ORDINANCE NO. _____

Draft interim control ordinance prohibiting the issuance of permits or certificates of occupancy associated with 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.

WHEREAS, the proposed Interim Control Ordinance (ICO) 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 ICO 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 resulting in single-family homes directly abutting industrial uses;

WHEREAS, the crisis at the Ports due to COVID-19 has accelerated these trucking-related uses into existing neighborhoods and is further driving the expansion of these 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 public health, safety and welfare of the community could occur if new trucking-related uses were to expand or 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 public health, safety and welfare of 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 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 the extension is necessary to protect the threat to the public safety, health, and welfare of the residents in the ICO area, from the expansion or creation of new Trucking-Related Uses, pursuant to the requirements of Government Code Section 65858.

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 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.

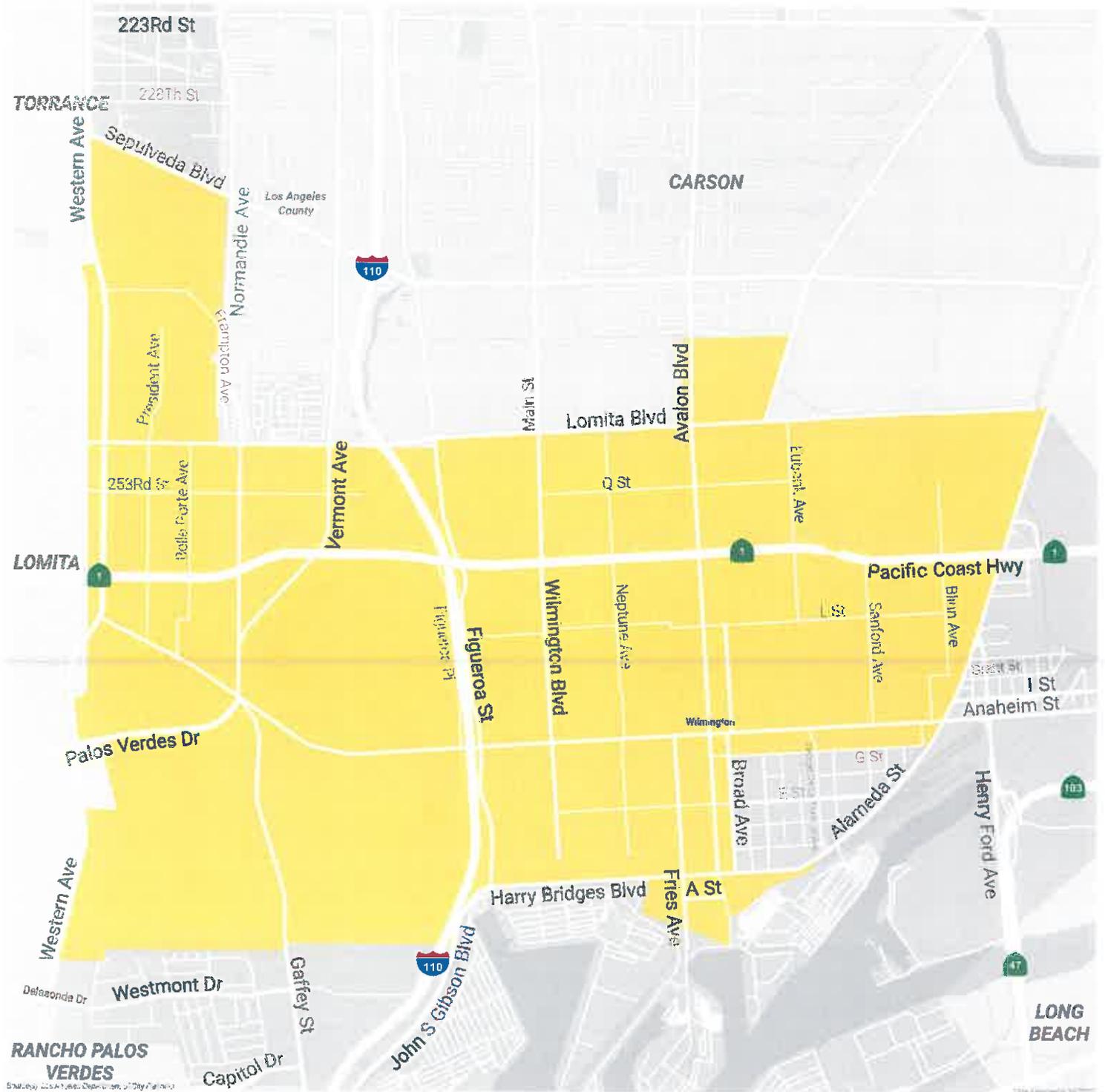
Sec. 7. APPLICABILITY OF THE ZONING CODE. The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the Los Angeles Municipal Code and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted 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 expansion or establishment of additional Trucking-Related Uses. Many of these Trucking-Related Uses are currently located in areas adjoining residential areas, including public rights-of-way along residential streets. The Port of Los Angeles has

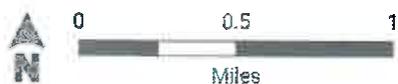
faced an unprecedented crisis over the last two years. In 2021, the Port transported more cargo containers than at any point in its 115 year existence. The unprecedented crisis due to the impact of the global pandemic on the supply chain resulted in the Port experiencing rarely having a single ship waiting offshore to a record 109 ships waiting offshore to unload in January of 2022 (prior to the crisis, the Port rarely experienced even one ship waiting offshore to unload), resulting in a “tidal wave” effect on its neighbors, overwhelming local streets with large trucks and trailers transloading cargo. Although this unprecedented 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, no community in the country has felt the burden of these impacts more than Wilmington and Harbor City. 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 and Harbor City are 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 trucks idling on public streets, and result in the unpermitted storage/stacking of cargo containers near residential areas. All of this creates negative safety, health and environmental impacts to the community far worse than previously experienced before the crisis at the Ports. 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. Without this ICO, these unpermitted activities will increase as additional trucking-related businesses are expanded or established. 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 protect the public safety, health, and welfare of the Wilmington and Harbor City communities and prevent further impacts to them, 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.

Wilmington-Harbor City Trucking-Related Uses

Interim Control Ordinance Boundaries



 Interim Control Ordinance (ICO) Boundaries



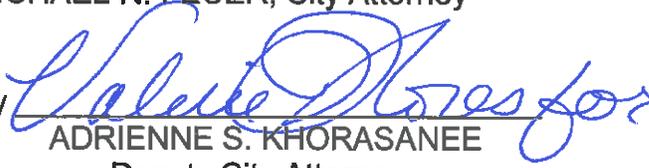
(Exhibit E-1)

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


ADRIENNE S. KHORASANEE
Deputy City Attorney

Date

June 27, 2022

File No. 22-0231

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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

MAYOR

Ordinance Passed _____

Approved _____