

# City Council Agenda Item Report

Submitted by: Daniel Wall  
Submitting Department: Public Works  
Meeting Date: August 2, 2022

## **SUBJECT**

Urgency Ordinance No. 1286 Extending Interim Urgency Ordinance No. 1283 - Warehouse Moratorium

### **Recommendation:**

- A. Find that the proposed action is exempt from California Environmental Quality Act (CEQA) review, because it is general policy and procedure-making activity that is unrelated to any specific project, which must undergo separate CEQA review, and that will not result in direct physical changes or reasonably foreseeable indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines Section 15378; and
- B. Adopt Urgency Ordinance No. 1286, pursuant to Government Code Section 65858, extending a moratorium on the establishment, expansion, or modification of warehouse uses, freight terminals, truck terminals, container storage, and container parking within the City of Vernon for an additional ten (10) months and fifteen (15) days, or until City Council's adoption of an ordinance addressing the moratorium issues, whichever occurs first.

### **Background:**

On June 21, 2022, pursuant to Government Code Section 65858, the City Council adopted Ordinance No. 1283 (Attachment 2), a 45-day urgency moratorium ordinance. Ordinance No. 1283 was adopted to protect the public health, safety, and welfare by prohibiting the establishment, expansion, or modification of warehouse uses, freight terminals, truck terminals, container storage, and container parking in the City of Vernon.

Subsequently, pursuant to Government Code Section 65858(d) which requires that at least 10-days prior to the expiration of a 45-day urgency ordinance the City issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the moratorium, staff provided Council with a report at its July 19, 2022 City Council meeting (Attachment 3). The report described staff's engagement with the business community and its commencement of the process to amend Chapter 17 (Zoning Code) of the Vernon Municipal Code (VMC).

Staff is prepared to present a draft ordinance pertaining to warehouse use to City Council for first reading at its August 2, 2022 meeting. The permanent ordinance would change new warehouse uses on lots encompassing 150,000 square feet or more from allowance by right to approval through approval of a development agreement by the City Council.

### **NEED TO EXTEND THE MORATORIUM**

The urgency moratorium (authorized by Urgency Ordinance No. 1283) was immediately required to preserve public health, safety, and welfare. It is recommended that proposed Ordinance No. 1286 be adopted to immediately extend the moratorium to make certain that permits for warehouse and related businesses are issued only under adequate regulations

and consistent with the City's future goals for development and expansion. Temporary extension of the Moratorium will allow the City sufficient time to conclude the preparation of comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would allow the proliferation of such businesses and their undesirable secondary impacts, and create a serious threat to the orderly and effective implementation of any amendments to the General Plan and the Zoning Code, and Specific Plan or Plans being developed, as well as the vision for the City going forward, contemplated by the City Council.

It is proposed that the moratorium be extended for an additional ten (10) months and fifteen (15) days beyond its original expiration date, such that the Moratorium will now expire on June 20, 2023, or until the effective date of an ordinance adopted by City Council addressing the issues related to the establishment, expansion, or modification of warehouse uses, freight terminals, truck terminals, container storage, and container parking, whichever occurs first.

Although amendments to the Zoning Code are being proposed at the August 2, 2022 Council meeting via the first reading of Ordinance No. 1287, adoption will follow a second reading at a subsequent Council meeting. Even if approved by the City Council in successive meetings, the proposed permanent ordinance would not take effect prior to the current 45-day warehouse moratorium expiration date of August 5, 2022.

Under Government Code Section 65858(a), the City Council may extend the urgency ordinance and moratorium for an additional 10 months and 15 days, and subsequently for one year, for a total of two years. Due to noticing, public hearing and procedural requirements for the adoption of ordinance noted above, staff recommends that Ordinance No. 1283 be extended to remain in place until the permanent zoning change takes effect.

Pursuant to Vernon Municipal Code Section 17.18.030 and Government Code Section 65091, on July 21, 2022, the public hearing notice was posted at City Hall, and published in the Huntington Park Bulletin (Attachment 4).

**Fiscal Impact:**

There is no fiscal impact associated with this report.

**Attachments:**

1. [Urgency Ordinance No. 1286](#)
2. [Adopted Ordinance No. 1283 - Interim Urgency Ordinance Warehouse Moratorium](#)
3. [10-Day Report on Urgency Moratorium \(July 19, 2022 Staff Report\)](#)
4. [Notice of Public Hearing](#)