

**URGENCY ORDINANCE NO. 1181**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 1172 FOR A PERIOD OF ONE (1) YEAR PROHIBITING ANY NEW AUTOMOBILE LEASING AND RENTING, AUTOMOBILE PARTS AND ACCESSORY, AUTOMOBILE INSURANCE, MEDICAL AND DENTAL OFFICE, DISCOUNT CLOTHING AND SHOE STORE (WAREHOUSE), DOLLAR STORE, DRUG STORE, PICTURE FRAMES AND FRAMING, BARBERSHOPS AND BEAUTY SALONS, NAIL SALON, CELL PHONE REPAIR, TATTOO SHOPS, AND PARTY RENTAL STORES IN THE COMMERCIAL GENERAL (C-G) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONE.**

**WHEREAS**, Article XI, Section 7 of the California Constitution authorizes the City to make and enforce laws within its limits all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

**WHEREAS**, without well-planned neighborhoods and commercial corridors, sections of the City can quickly deteriorate, with consequences to social, environmental and economic value; and

**WHEREAS**, the City desires to create guidelines and/or development standards for subject specified commercial land uses to better incorporate such uses within the community; and

**WHEREAS**, the city requires additional time to properly assess the number of and repercussions associated with having an over-proliferation of specified commercial uses; and

**WHEREAS**, there are certain commercial land uses in the Commercial-General (C-G) and Commercial Planned Development (CPD) zone within Chapter 18.40, *Land Use Regulations*, of the Pico Rivera Municipal Code that are considered low performing commercial uses that may have negative consequences to the surrounding community and do not require an entitlement and are allowed by-right; and

**WHEREAS**, there is an immediate threat to the public health, safety and welfare of the community as the subject establishments locate in the City without proper regulations in place, and, absent the adopting of this extension of Interim Urgency Ordinance, it is likely that the establishment or operation of the subject uses without appropriate controls in place to regulate their impacts on the community will result in harmful effects to businesses, property owners and resident so the City; and

**WHEREAS**, on April 25, 2023, the City Council placed a 45-day moratorium (Urgency Ordinance No. 1169) prohibiting any new automobile leasing and renting, automobile parts and accessory, automobile insurance, medical & dental office, discount clothing and shoe store (warehouse), dollar store, drug store, pet shop &

grooming, picture frames and framing, barbershops and beauty salons, nail salon, cell phone repair, tattoo shops, and party rental in the Commercial General (C-G) and Commercial Planned Development (CPD) zone; and

**WHEREAS**, on May 9, 2023, the City Council received and filed a report per Government Code Section 65858 (d), describing the measures taken to alleviate the condition which led to the adoption of the moratorium; and

**WHEREAS**, on May 12, 2023, a public notice was published in Los Cerritos News describing the City's intent to extend the existing moratorium; and

**WHEREAS**, On May 31, 2023, the City Council approved a 10-month 15-day extension via Urgency Ordinance No. 1172 per Government Code Section 65858; and

**WHEREAS**, the City continues to receive inquiries and permit applications from prospective businesses interested in the above referenced use; and

**WHEREAS**, on January 23, 2024, the City Council received and filed a report per Government Code Section 65858 (d), describing the measures taken to alleviate the condition which led to the adoption of the moratorium; and

**WHEREAS**, it has been determined to make clarifications and deletions of specific land use categories that were deemed not to have a signification impact on the City; and

**WHEREAS**, on February 2, 2024, a public notice was published in Los Cerritos News describing the City's intent to extend the existing moratorium; and

**WHEREAS**, if adopted Urgency Ordinance No. \_\_\_\_ will be in effect for one (1) year and shall expire on March 11, 2025, unless further extended.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Pico Rivera as follows:

**SECTION 1.** The recitals above are true and correct and incorporated herein as part of the findings.

**SECTION 2.** This urgency ordinance is exempt from California Environmental Quality Act (CEQA) Guidelines based on the following findings:

- a) This urgency ordinance is not a project within the meaning of Section 15061 (b) (3) of the CEQA Guidelines because it has no potential of resulting in a physical change in the environment, directly or indirectly, by preserving the status quo. This urgency ordinance in no way authorizes or approves any specific project within the City.

- b) This urgency ordinance is categorically exempt for CEQA under Section 15308 of the CEQA Guidelines as it is a regulatory action taken by the City pursuant to its police power and according with Government Code Section 65858, to assure maintenance and protection of the environment and adoption of contemplated local legislation, regulation and policies.
- c) This urgency ordinance is not subject to CEQA under the general rule set forth in Section 15061(b)(3) of the CEQA Guidelines that CEQA only applies to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this urgency ordinance will have a significant effect on the environment.

**SECTION 3.** In accordance with the authority granted pursuant to Government Code Section 65858, from and after the effective date of this urgency ordinance, no person, partnership, corporation, or other entity shall commence a new automobile leasing and renting, automobile parts and accessory, automobile insurance, medical & dental office, discount clothing and shoe store (warehouse), dollar store, drug store, picture frames and framing, barbershops and beauty salons, nail salon, cell phone repair, tattoo shops, and party rental business in the Commercial General (C-G) and Commercial Planned Development (CPD) zone.

**SECTION 4.** The uses listed below shall be defined as follows for the purposes of this urgency ordinance. Though these uses could be interpreted as falling under other broader existing categories of uses under the Zoning Code, for the purpose of this urgency ordinance and the moratorium enacted hereunder and any extensions thereof, they shall be treated as distinct and separate uses from such broader categories. Any use included in this urgency ordinance that is not defined within this section, unless otherwise defined in Title 18, *Zoning*, of the Pico Rivera Municipal Code, shall be given the plain, ordinary meaning, commonly associated with its use.

- a) Medical Office - a place for the practice of physiotherapy or medical, dental, optical, psychoanalytical, osteopathic, or chiropractic professions of over 1,000 square feet.
- b) Shoe Store (Warehouse) - establishments engaged in the sale of footwear, including athletic footwear.
- c) Discount Clothing Store - a retail store that sells products at prices lower than those by traditional retail outlets of over 1,000 square feet.
- d) Dollar Store - a store that sells inexpensive items priced usually at a dollar or a few dollars.
- e) Party Rental - A retail store that provides tables, chairs, tents, linens, decorations and other miscellaneous supplies for various indoor and outdoor events such as parties for birthdays, retirements and graduations of over 1,000 square feet.

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- f) Cell Phone Repair Shop - a business that primarily repairs and maintains cell phones and cell phone cases.
- g) Tattoo Shops - Any place or establishment where tattooing or body piercing is made available.
- h) Nail Salons - Any commercial establishment where nail care is offered or practiced on a regular basis for compensation.
- i) Automobile Insurance business - any business that provides automobile policy insurance.

**SECTION 5.** Urgency Ordinance No. 1172 was enacted pursuant to Sections 36934 and 65858 of the Government Code of the State of California, and in accordance therewith, shall be of no further force and effect extended one (1) year after the adoption of this urgency ordinance. The City Council hereby finds, based on oral and written reports, determines and declares that the immediate preservation of the public peace, health, safety and welfare necessitates the enactment of this ordinance as an urgency ordinance. The City Council further finds there is a current and immediate threat to public health, safety and welfare necessitating the adoption of this urgency ordinance as an Urgency Interim Zoning Ordinance under Section 65858. Said findings are as follows:

- a) There are no existing regulations within the City of Pico Rivera that addresses the location, number of, or entitlement requirements for new automobile leasing and renting, automobile parts and accessory, automobile insurance, medical & dental office, discount clothing and shoe store (warehouse), dollar store, drug store, ~~pet shop & grooming~~, picture frames and framing, barbershops and beauty salons, nail salon, cell phone repair, tattoo shops, and party rental business in the Commercial General (C-G) and Commercial Planned Development (CPD) zone.
- b) It is necessary to study the adoption of amendments to the City's Municipal Code and Zoning Ordinance to implement reasonable development standards, regulations, and land use review in order to understand and address impacts of the subject uses in Commercial General (C-G) and Commercial Planned Development (CPD) zones.
- c) As a result of the type of land use, outdated regulations, over-proliferation, economic impacts, circulation, noise, security, or lack thereof, siting, or maintenance of the subject uses in the Commercial General (C-G) and Commercial Planned Development (CPD) zones have the potential of having a source of high intensity impacts resulting in the creation of a public nuisance.
- d) The City of Pico Rivera is experiencing inquiries for the subject uses in the General Commercial (C-G) and Commercial Planned Development (CPD) zones which if approved would frustrate the purpose of study.

- e) The City of Pico Rivera requires time to study the impacts of the subject uses, which if approved could result in deleterious effects on public health, safety and welfare.
- f) The potential development of the identified land uses within the aforementioned zones prior to the completion of the City's study may have negative impacts to the surrounding community in terms of economic impacts, maintenance, circulation, noise, and security and pose an immediate threat to the public's health, safety, and welfare.
- g) The best method of protecting public safety, health and welfare is to create development standards and regulations concerning the development, location, and operation of the subject uses.
- h) If Urgency Ordinance No. \_\_\_\_\_ is not extended immediately, additional businesses will be established which are contrary to the orderly, planned and coordinated development and future use of properties within the City of Pico Rivera because there are currently no specific zoning regulations, entitlements, business permits or other special regulations regulating the establishment, location and operation.

**SECTION 6.** This moratorium shall not prohibit the following:

- a) The renewal or change of ownership of a business license for an existing establishment that has not ceased commercial operations to the public for more than six (6) months or has not been vacant for more than 6 months provided that the renewal or change of ownership seeks to maintain the establishment in its current location, and the establishment is operating in the same manner without any expansion or intensification of the use, and is housed within a building, which complies with all City, State, federal or otherwise applicable codes, rules, regulations.
- b) The issuance of permits for maintenance or repairs.

**SECTION 7.** In order to protect the public health, safety and welfare it is necessary to enact this urgency ordinance as an urgency measure to go into effect immediately upon its adoption, and that to enact this urgency ordinance after giving notice, holding public hearings and two readings thereof, and thereafter to await thirty days for said urgency ordinance to become effective, will be detrimental to the public health, safety and welfare, in that during the interim period further such establishments may be situated without the benefit of proper criteria and regulations. It is therefore necessary that this urgency ordinance go into effect immediately upon adoption.

**SECTION 8.** The City Council hereby declares that it would have passed this urgency ordinance sentence by sentence, paragraph by paragraph, and section by



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**AYES:** Camacho, Garcia, Lutz, Sanchez, Lara  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



*Cynthia Ayala*  
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Cynthia Ayala, CMC, City Clerk