

**URGENCY ORDINANCE NO. 1187**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 1184 FOR A PERIOD OF 10 MONTHS 15 DAYS PROHIBITING RESTHOMES AND TRADE SCHOOLS IN ALL COMMERCIAL AND INDUSTRIAL ZONES**

**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, 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**, rest homes and trade school are permitted in certain commercial and industrial zones within Chapter 18.40, *Land Uses Regulations* of the Pico Rivera Municipal Code that are considered low performing commercial uses that may have negative consequences to the surrounding community; and

**WHEREAS**, the City receives inquiries from prospective businesses interested in subject commercial and industrial uses; 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 adoption of this 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 residents of the City; and

**WHEREAS**, the City Council finds a current and immediate threat to the public health, safety, and welfare would result if the City of Pico Rivera issues permits, business licenses, or other applicable licenses for the establishment of new rest homes and trade schools in all commercial and industrial zones prior to the city's study of impacts; and

**WHEREAS**, on June 25, 2024 the City Council adopted a 45- day moratorium via Urgency Ordinance No. 1184, prohibiting rest homes and trade schools in any commercial and industrial zone; and

**WHEREAS**, on July 9, 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

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**WHEREAS**, on July 19, 2024 a public notice was published in Los Cerritos Newspaper describing the City's intent to extend the existing moratorium; and

**WHEREAS**, Urgency Ordinance No. 1184 will be in effect for 10 months and 15 days and shall expire on June 24, 2025 unless further extended.

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

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

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

- a) This 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 environmental, directly or indirectly.
- b) This 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 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 (a) and (b) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

**SECTION 3.** For the purposes of this urgency ordinance, the following words and phrases have the meanings respectively ascribed to them by this Section:

- a) "Rest Home" means the use of land for a convalescent home, guest home, or any other facility for the temporary housing of and caring for ambulatory, aged, infirm or invalid persons, and in which nursing, dietary and incidental convalescent and medical care is furnished to residents thereof, and where no housing is furnished for persons suffering from contagious or communicable diseases, and where no surgery, physical therapy, maternity or other similar treatments are performed that are customarily provided in a hospital.
- b) "Trade Schools" means a business consisting of a place for training and instruction in a specific field, skill, trade or occupation including business

colleges, vocational schools and similar facilities, which shall include, but not be limited to, businesses consisting of a place for training and instruction in a specific field, skill, trade or occupation for which employment would be conducted in an industrial setting or would use equipment normally associated with industrial businesses including, but not limited to, welding, machining, material handling and processing, metal working and heavy equipment repair.

**SECTION 4.** This Ordinance is an Interim Zoning Ordinance enacted pursuant to Sections 36934 and 65858 of the Government Code of the State of California, and in accordance therewith, shall be in effect for a period of 10 months 15 days commencing immediately upon the expiration of the 45-day moratorium under Urgency Ordinance No. 1184, which is expiring on August 9, 2024 unless extended in accordance with Section 65858 of the Government Code. 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 moratorium 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 Ordinance as an Interim Zoning Ordinance under Section 65858. Said findings are as follows:

- a) There are no regulations within the City of Pico Rivera that address the location of or regulations for rest homes and trade schools.
- b) It is necessary to study the adoption of amendments to the City's Municipal Code and Zoning Ordinance to analyze and address the impacts of new rest homes and trade schools in all commercial and industrial zones and further determine whether such uses are consistent with the City's General Plan.
- c) The City of Pico Rivera is receiving inquiries for rest homes and trade schools in commercial and industrial zones which, if approved, would frustrate the purpose of study.
- d) The City of Pico Rivera requires time to study the impacts of subject establishments allowed by-right which, if approved without adequate development standards or zoning regulations, would result in deleterious effects on public health, safety and welfare.
- e) The continued establishment of rest homes and trade schools in commercial and industrial zones may result in displacement and of quality development that have less impacts to the surrounding community.
- f) Allowing the establishment, expansions, or modification of new or existing rest homes and trade schools in commercial and industrial zones prior to the completion of the City's study of the impacts of such facilities poses a current and immediate

threat to the public health, safety and welfare.

- g) The best method of protecting public safety, health and welfare is to create regulations concerning the location and operation of new uses.
- h) If an urgency interim zoning ordinance is not adopted 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.
- i) Policy 7.3-3, *Commercial Uses* of the General Plan encourages the City to "identify and proactively recruit new high-quality commercial uses, specialty stores and sit-down restaurants that expand the diversity of retail and service offerings, increase generation of sales tax, and enhance visitor amenities" and without proper regulations in place may deter such land uses.

**SECTION 5.** Pursuant to Government Code Section 65858(d), the City Council of the City of Pico Rivera hereby adopts a moratorium on the establishment, expansion, or modification of Rest Homes and Trade Schools located in all commercial and industrial zones within the City.

This moratorium shall not prohibit the following:

- a) The renewal of a business license for an existing establishment under Section 3) provided that the renewal seeks to maintain the establishment in its current location, and the establishment is operating in the same manner without expansion or intensification of the use, and is housed within an existing building, which complies with all City, State, federal or otherwise applicable, codes rules, regulations.
- b) This moratorium shall not prohibit the issuance of building permits in connection with repairs required by law or resulting from emergency related repairs.

**SECTION 6.** In order to protect the public health, safety and welfare it is necessary to enact this Ordinance as an urgency measure to go into effect immediately upon its adoption, and that to enact this Ordinance after giving notice, holding public hearings and two readings thereof, and thereafter to await thirty days for said 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 Ordinance go into effect immediately upon adoption.

**SECTION 7.** The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this Ordinance are severable, and if, for any reason, any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 8.** No person shall violate any provision or fail to comply with any of the requirements of this ordinance, and any person violating any provision, or failing to comply with any provision of this ordinance is guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punished by a fine of not more than \$1,000 or by imprisonment in the City or County Jail for a period not exceeding one (1) year, or by both such fine and imprisonment.

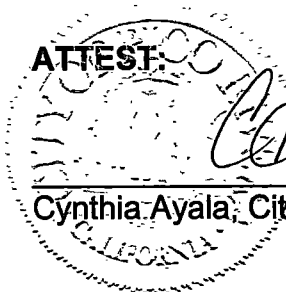
**SECTION 9.** The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. This Ordinance shall take effect immediately upon its adoption and shall be effective for a period of 10 months 15 days from the end date of the 45-day moratorium (Urgency Ordinance No. 1184) and shall expire on June 24, 2025, unless extended pursuant to California Government Code Section 65858.

**ADOPTED AND PASSED this 29th day of July, 2024.**



*Andrew C. Lara*

Andrew C. Lara, Mayor

**ATTEST:**  
  
*Cynthia Ayala*  
Cynthia Ayala, City Clerk

**APPROVED AS TO FORM:**  
*Arnold M. Alvarez-Glasman*  
Arnold M. Alvarez-Glasman, City Attorney

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STATE OF CALIFORNIA     )  
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COUNTY OF LOS ANGELES )

I, Cynthia Ayala, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance No. 1187 was adopted at a special meeting of the City Council of the City of Pico Rivera, held on Monday, July 29, 2024, with the following vote:

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

  
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Cynthia Ayala, City Clerk

