

INTERIM URGENCY ORDINANCE NO. 1189

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING A 45-DAY MORATORIUM PROHIBITING THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF BUILDING MATERIALS SALES AND STORAGE AND CONTRACTING EQUIPMENT STORAGE AND RENTAL YARDS USES

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

WHEREAS, implicit in any plan or regulation is the City's interest in maintaining the quality of life and the character of the City's neighborhoods, as without stable, well-planned neighborhoods, sections of the City may quickly deteriorate, with consequences to social, environmental, and economic values; and

WHEREAS, Government Code Section 65858 expressly authorizes a general law city, in order to protect public health, safety, and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that its legislative body, planning commission, or planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure is adopted by a four-fifths vote of the legislative body, and has no further force and effect 45 days from its adoption, unless thereafter duly extended by further legislative action; and

WHEREAS, Government Code Section 36937(b) expressly authorizes the City Council to enact urgency ordinances, which take effect immediately upon introduction, for the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency, and which must be passed by a four-fifths vote of the City Council; and

WHEREAS, the City is concerned with the environmental impacts of Contracting Equipment Storage, Rental Yards, and Building Materials Sales and Storage Facilities ("Outdoor Equipment and Material Storage Facilities"), including, but not limited to, noise, light, vibration, hazardous material runoff, and visual impacts due to their outdoor operations; and

WHEREAS, the United States Department of Labor's Occupational Safety and Health Administration ("OSHA") provides information on their website regarding the potential health effects of occupational noise exposure, and cites a June 28, 2018 study by Ellen Kerns, MPH, CPH, COHC and Elizabeth Masterson, PhD, CPH, COHC published in a National Institute for Occupational Safety and Health blog regarding the potential health effects of workplace noise (<https://blogs.cdc.gov/niosh-science-blog/2018/06/28/noise-effects/>) and found that:

- Twenty-two million workers experience loud noise on the job each year.
- Most hearing difficulty cases among workers (58%) were linked to loud noise on the job and could be prevented if the noise was reduced to safe levels.
- Nine percent of high cholesterol and 14 percent of high blood pressure cases among workers could be linked to loud noise on the job.
- Workers with a history of loud noise on the job were less likely to have had their blood pressure or their cholesterol checked; and

WHEREAS, the Orange County Public Works Department notes that “Stormwater runoff from vehicle and equipment storage areas can be contaminated with toxic hydrocarbons and other organic compounds, oils and greases, heavy metals, nutrients and suspended solids.” (<https://ocerws.ocpublicworks.com/sites/ocpwocerws/files/import/data/files/9843.pdf>)

WHEREAS, there is a need to study and develop policy guidance to ensure there is a logical relationship between the placement of Outdoor Equipment and Material Storage Facilities to avoid the deleterious effects of such facilities on nearby sensitive uses; and

WHEREAS, there is an immediate threat to the public health, safety, and welfare of the community as the establishment, expansion, or modification of Outdoor Equipment and Material Storage Facilities in the City without proper regulations in place, and, absent the adoption of this interim urgency ordinance (“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, if zoning restrictions are temporarily imposed for the establishment, expansion, and modification of Outdoor Equipment and Material Storage Facilities, the City can mitigate the threat of health and safety caused by such uses that often create noise, vibration, and other disruptions to the peace and quiet that is necessary for the enjoyment of residential neighborhoods and efficacy of educational uses; and

WHEREAS, the City seeks a 45-day moratorium on the establishment, expansion, or modification of Outdoor Equipment and Material Storage Facilities within the City through the adoption of this Urgency Ordinance to provide the City time to study and plan its approach to the subject uses; and

NOW, THEREFORE, the City Council of the City of Pico Rivera does ordain as follows:

SECTION 1. The facts set forth in the recitals of this Urgency Ordinance are true and correct, and incorporated into this Urgency Ordinance as substantive findings.

SECTION 2. Definitions for the purpose of this Urgency Ordinance:

“Rental Yards” shall mean a permanent establishment dedicated to the rental of building or construction tools, equipment, or other related supplies where the storage and display of said equipment and supplies may occur both within a structure, as well as in an outdoor yard area associated with said structure.

“Contracting Equipment Storage” shall mean any land and/or buildings used primarily for the storage of equipment, vehicles, materials, or components used in the conduct of any building trade or craft.

“Building Materials Sales and Storage Facilities” shall mean any land and/or buildings used primarily for the sales of equipment, vehicles, materials, or components used in the conduct of any building trade or craft.

SECTION 3. 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 of no further force and effect forty-five (45) days after the adoption of this Ordinance 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 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 Ordinance as an Interim Zoning Ordinance under Section 65858. Said findings are as follows:

- a) There is potential for Contracting Equipment Storage, Rental Yards, and Building Materials Sales and Storage Facilities to have immediate significant impacts through noise and vibrations on nearby sensitive uses which has the potential to manifest itself into physical health concerns thereby constituting an immediate threat to the health of the citizens of Pico Rivera.
- b) In order to prevent any significant impacts to the quality of the City’s groundwater resources, the proposed moratorium should be enacted immediately to stop the proliferation of additional potential sources of contamination due to runoff from these types of facilities.
- c) The unregulated proliferation of these types of facilities could have significant visual impacts on the character of the City thereby affecting the quality of life of citizens, and in conjunction with unregulated noise, vibration, and excessive lighting, the cumulative effects of these issues on potential property values need to be studied by the City.

SECTION 4. The City Council finds that the continued growth of Contracting Equipment Storage, Rental Yards, and Building Materials Sales and Storage Facilities uses in the City may be in conflict with the City's General Plan in the following manner:

- **Policy 3.9-4 Design and Buffer.** Ensure that industrial developments are sited and adequately buffered from surrounding neighborhoods and development to minimize negative impacts such as visual pollution, noise, odors, truck activities, and other such conflicts on non-industrial uses; and
- **Policy 8.4-6 Industrial Users.** Regulate discharge from industrial users in accordance with local, regional, and state regulations to protect the City's natural water bodies; and
- **Policy 9.3-6 Best Practices.** Encourage industries, businesses, and residents to utilize best practices and technologies that reduce the use of hazardous materials and generation of hazardous wastes; and
- **Policy 11.1-2 Existing Noise Incompatibilities.** Within areas where existing or future noise levels exceed the guidelines set forth in Table 11-1, encourage establishment of noise buffers and barriers, modifications to noise-generating operations, and/or retrofitting of buildings housing noise-sensitive uses, where feasible and appropriate; and
- **Policy 11.3-2 Vibration Standards.** Require construction projects and new development anticipated to generate a significant amount of vibration to ensure acceptable interior vibration levels at nearby noise-sensitive uses based on Federal Transit Administration criteria as shown in Table 11-2 below.

Table 11-2:
Groundborne Vibration Impact Criteria for General Assessment

Land Use Category	Impact Levels (VdB)		
	Frequent Events ^a	Occasional Events ^b	Infrequent Events ^c
Category 1: Buildings where vibration would interfere with interior operations	65 ^d	65 ^d	65 ^d
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime uses	75	78	83

Vibration levels are measured in or near the vibration-sensitive use.

- a. "Frequent Events" is defined as more than 70 vibration events of the same source per day.
- b. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.
- c. "Infrequent Events" is defined as fewer than 30 vibration events of the same source per day.
- d. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels.

Source: Federal Transit Administration, Transit Noise Impact and Vibration Assessment, May 2006.

SECTION 5. The City Council hereby enacts this moratorium prohibiting the establishment, expansion, and modification of Contracting Equipment Storage, Rental Yards, and Building Materials Sales and Storage Facilities. 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.

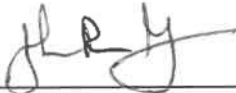
SECTION 6. The City Council, on the basis of the whole record and exercising independent judgment, finds that this Urgency Ordinance is not subject to environmental review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. The Urgency Ordinance would also not be considered a project under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the actions taken may have a significant effect on the environment.

SECTION 7. If any section, subsection, line, sentence, clause, phrase, or word of this Urgency Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council of the City of Pico Rivera hereby declares that it would have passed this Urgency Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 8. This Ordinance is an urgency ordinance adopted by the necessary four-fifths (4/5th) vote of the members of the City Council pursuant to California Government Code Section 36937(b) and shall take effect immediately upon adoption.

SECTION 9. The City Clerk shall certify to the adoption of this Interim Urgency Ordinance causing it to be posted as required by law. This Interim Urgency Ordinance shall take effect immediately upon its adoption. This Interim Urgency Ordinance shall be effective for a period of 45 days unless extended pursuant to California Government Code Section 65858.

ADOPTED AND PASSED this 11th day of February, 2025.



John R. Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:



Cynthia Ayala, City Clerk



Arnold M. Alvarez-Glasman, City Attorney

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. 1189 was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, February 11, 2025, with the following vote:

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



Cynthia Ayala, CMC, City Clerk