

URGENCY ORDINANCE NUMBER 1466

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ESTABLISHING A TEMPORARY 45-DAY MORATORIUM ON APPROVAL, ESTABLISHMENT AND EXPANSION OF WAREHOUSING AND DISTRIBUTION USES; AND MAKING FINDINGS RELATED THERETO.

WHEREAS, the City of Perris (“City”) is a general law city within the State of California; and

WHEREAS, pursuant to the City’s police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations for the public peace, health, safety, and welfare of the City and its residents; and

WHEREAS, Government Code Sections 36934, 36937, and 65858 expressly authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety, and to prohibit any use that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, there are many pending applications for development projects for warehousing and distribution land uses in the City, and many more that have received approvals under the City’s Subdivision Ordinance (Title 18 of the Perris Municipal Code) and/or Development Code (Title 19 of the Perris Municipal Code), but have not yet obtained grading or building permits; and

WHEREAS, “warehousing and distribution,” as used and referred to in this Ordinance, shall have the meaning ascribed to it in Perris Municipal Code Section 19.08.010, which is as follows: “a building or premises in which goods, merchandise or equipment are stored for eventual distribution”; and

WHEREAS, the City is considering or studying, or intends to study within a reasonable time, several General Plan, specific plan and/or zoning proposals to adopt new or amended land use and zoning regulations and development standards that would be applicable to warehousing and distribution developments and uses, to ensure the protection of public peace, health, safety, and welfare, environmental quality, and environmental justice in connection therewith; and

WHEREAS, the development and operation of warehousing and distribution uses in the City, if allowed to continue without sufficient regulation, will increase the risk of negative public health and safety outcomes and other adverse impacts in the City, including the following:

- The exacerbation of pollution levels, including emissions of diesel particulate matter and nitrogen oxides (which are pollutants linked to respiratory diseases and other health problems), caused by the heavy trucking activity that is associated with warehousing and distribution uses, and therefore health impacts in already overburdened, vulnerable communities that have been identified by the California Office of Environmental Health and Hazard Assessment (OEHHA) as “disadvantaged” in its Cal Enviro Screen model;
- Trucks affect air quality, as their emissions are many times those of passenger vehicles, and

thus are also likely to have concomitant health effects. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). DPM is considered a subset of particulate matter less than 2.5 microns in diameter (PM2.5). Most PM2.5 derives from combustion, such as use of gasoline and diesel fuels by motor vehicles, burning of natural gas to generate electricity, and wood burning. DPM is most concentrated adjacent to freeways, truck routes, and roadways traveled by trucks. PM2.5 is the size of ambient particulate matter air pollution most associated with adverse health effects of the air pollutants that have ambient air quality standards. These health effects include cardiovascular and respiratory hospitalizations, and premature death;

- Increased noise and vibration impacts on adjacent residential and commercial properties. Trucks also cause noise and vibration, which cause disturbances and potential damage to businesses and homes that are near truck route roads. The City needs to conduct the appropriate studies to identify these impacts and provide recommendations for mitigation measures. The City will review mitigation measures that may include, but are not limited to, sound walls and double pane window retrofits along truck routes. In addition, proper road maintenance helps reduce vibrations caused by heavy vehicles traveling on roads adjacent to sensitive uses. City will study on how to improve road conditions adjacent to residential uses;
- Increased public safety risks, including pollution and traffic collision risks, for drivers of passenger vehicles, pedestrians, and bicyclists, including school-age children traveling to and from public schools and residents traveling to and from adjacent public parks and facilities;
- Damage to roadways due to the weight of the vehicles associated with warehousing and distribution uses in stop-and-go traffic, causing distress on pavement, resulting in premature deterioration and degradation, leading to potholes and pavement failure;
- Truck traffic increases the maintenance costs on roads for the City. For example, a 1999 study for the City of Irwindale concluded that one loaded mining truck causes street damage equivalent to that caused by 10,000 automobiles. City of Irwindale Mining Reclamation Impact Study, prepared by Greystone, March 1999, Vol. I, p. iii @ 2.a., and Vol. II., pp. 25-29. A loaded mining truck weighs approximately 80,000 pounds, which is comparable to the average weight of loaded 18-wheeler trucks that commonly traverse the City to and from logistics facilities. This finding was also made as early as the late 1970s in the federal Comptroller General's Report to the Congress, Excessive Truck Weight: An Expensive Burden We Can No Longer Afford. The City intends to further research this issue and determine the impacts of specific to the type of truck traffic (e.g., drayage, intermodal, long haul) on the types of roads in the City;
- Damage to City streets and property/facilities from collisions (reported and unreported), such as streetlights, traffic signal equipment, signs, trees, curbs, medians, etc.;
- Traffic congestion and reduced levels of service on public streets and at public intersections;
- Increased public safety impacts from improperly over-loaded trucks; and
- Mental health impacts associated with the aesthetics of large warehouse buildings, particularly when in close proximity to residences. The close proximity of warehousing and distribution uses to schools and residential uses causes a decline in aesthetic standards and visual quality to those living in the residences and going to the schools; and

WHEREAS, the City has additional concerns regarding the compatibility of warehousing and distribution uses that are adjacent to sensitive receptors and residential zones, as warehousing and distribution uses oftentimes operate on a 24-hour basis and cause deteriorating air quality, health, noise, vibration, and other threats and disruptions to the peace and quiet that is necessary for the enjoyment of residential neighborhoods and efficacy of educational uses; and

WHEREAS, warehousing and distribution uses have a detrimental impact upon the City's

residents, which are not being addressed by the City’s current ordinances and land use/zoning regulations; and

WHEREAS, there is a need to study and develop policy guidance and/or regulations to ensure there is a logical relationship between the placement of warehouses (including the areas zoned or approved for same) and the City’s designated truck routes, to avoid the deleterious effects of routing trucks past sensitive uses; and

WHEREAS, the City intends to update the City’s general plan, specific plan and Development Code regulations to further address the potential adverse effects of warehousing and distribution uses on public health, safety and welfare. Although the City has already commenced certain studies and proposals to this end, more time is needed to fully study existing and proposed regulations and the potential adverse impacts of warehousing and distribution developments and uses on the environment, traffic, aesthetics, and visual quality of properties within the City, make recommendations on the appropriate proposed, alternative and/or additional regulations, and ultimately to complete the measures necessary to alleviate the conditions which have led to the need for adoption of this Ordinance; and

WHEREAS, pursuant to Government Code Section 65858, the City Council desires, on an urgency basis, to temporarily prohibit approval, establishment and expansion of warehousing and distribution uses and the issuance of approvals, permits and entitlements for same, except as otherwise provided herein; and

WHEREAS, this Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Section 65858, and may be introduced and adopted at the same meeting and be effective immediately upon adoption if passed by a four-fifths vote of the City Council; and

WHEREAS, all legal prerequisites for the adoption of this Interim Urgency Ordinance have occurred.

NOW, THEREFORE, CITY COUNCIL OF THE CITY OF PERRIS DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are all true and correct and are incorporated herein by this reference as findings of fact.

Section 2. CEQA Findings. With respect to compliance with the California Environmental Quality Act (CEQA), the City Council finds, based on the whole administrative record, that:

A. Pursuant to CEQA Guidelines Section 15378, this Ordinance does not constitute a CEQA “project”, because: (i) the whole of the action does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, which are required parts of the definition of “project” under CEQA Guidelines Section 15378(a), and because the action constitutes administrative or maintenance activities of the City, such as general policy and procedure making, which are excluded from the definition of “project” under CEQA Guidelines Section 15378(a). This action merely temporarily prohibits approval, establishment and expansion of warehousing and distribution land uses (aside from those which are exempted from this Ordinance) for a 45-day period while the City studies and considers the general plan, specific plan and/or zoning proposals referenced in this Ordinance, to ensure that no such uses are approved or commence which may be in conflict with such

contemplated general plan, specific plan and/or zoning proposals. The purpose of such contemplated general plan, specific plan and/or zoning proposals is to protect public peace, health, safety, and welfare, as well as environmental quality and environmental justice, in connection with warehousing and distribution developments and uses; and

B. In the event this Ordinance is deemed to constitute a CEQA “project,” it is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it does not have the potential for causing a significant effect on the environment. “Significant effect on the environment” is defined in CEQA Guidelines Section 15382 as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This Ordinance merely temporarily prohibits approval, establishment and expansion of warehousing and distribution land uses (aside from those which are exempted from this Ordinance) for a 45-day period while the City studies and considers the general plan, specific plan and/or zoning proposals referenced in this Ordinance, to ensure that no such uses are approved or commence which may be in conflict with such contemplated general plan, specific plan and/or zoning proposals. The purpose of such contemplated general plan, specific plan and/or zoning proposals is to protect public peace, health, safety, and welfare, as well as environmental quality and environmental justice, in connection with warehousing and distribution developments and uses.

C. Also, in the event this Ordinance is deemed to constitute a CEQA “project,” it is exempt from CEQA pursuant to CEQA Guidelines Section 15308, which exempts actions taken by regulatory agencies for the protection of the environment. This Ordinance merely temporarily prohibits approval, establishment and expansion of warehousing and distribution land uses (aside from those which are exempted from this Ordinance) for a 45-day period while the City studies and considers the general plan, specific plan and/or zoning proposals referenced above, to ensure that no such uses are approved or commence which may be in conflict with such contemplated general plan, specific plan and/or zoning proposals. The purpose of such contemplated general plan, specific plan and/or zoning proposals is to protect public peace, health, safety, welfare, as well as environmental quality and environmental justice, in connection with warehousing and distribution developments and uses. No exception to this categorical exemption applies under CEQA Guidelines Section 15300.2.

Section 3. **Urgency Findings.** The City Council further finds as follows:

A. There is a current and immediate threat to public health, safety, and welfare posed by continued approval, establishment and expansion of warehousing and distribution developments and uses in the City, due to the high demand for such uses and the insufficiency of the City’s current General Plan, specific plan and/or zoning regulations. The high volume and rate of development of warehousing and distribution uses in the City under current regulations has caused increased truck traffic, extensive damage to local streets, adverse effects to air quality, noise and aesthetics, and other detrimental effects on public health, safety and welfare in the City as further detailed in the recitals of this Ordinance, and threatens to cause further and exacerbated effects of this nature if allowed to continue without sufficient regulation. Absent this Ordinance and new or amended regulations

resulting from the General Plan, specific plan and/or zoning proposals being studied, the approval of additional subdivisions, use permits, variances, grading permits, building permits, development plan reviews, or any other applicable entitlement for use which is required for the City to comply with its Zoning Ordinance would result in that threat to public health, safety and welfare. The City Council also finds and declares that this Ordinance is necessary as an urgency measure for the immediate preservation of the public peace, health, and safety against such threats.

B. The City is considering and studying, or intends to study within a reasonable time, General Plan, specific plan and/or zoning proposals applicable to warehousing and distribution developments and uses in order to protect public health, safety and welfare from adverse impacts of same. Such proposals include the following, without limitation:

1. Comprehensive update to the City's General Plan Land Use Element, which was adopted in 2005, and potential associated Development Code or zoning map changes, to ensure that industrial developments are situated in locations that minimize adverse impacts on adjacent uses.

2. Development Code and specific plan text amendments to modify the industrial development standards for warehouses and distribution centers to improve development standards further when in proximity to sensitive receptors.

3. Development Code and specific plan text amendments to require a conditional use permit for any warehousing and distribution uses exceeding 50,000 square feet of total building floor area in the light industrial and general industrial zones (i.e., designating such uses as conditionally permitted, whereas they are currently designated as permitted), with the City Council to serve as the approval authority.

4. General Plan Circulation Element amendment to update the City's truck route plan in compliance with AB 98 and SB 415, along with potential Land Use Element and associated zoning changes as referenced above, so that industrial developments and their truck routes are situated in locations that minimize adverse impacts on residential areas and sensitive receptors.

C. The City needs additional time to study, develop, revise and complete the contemplated General Plan, specific plan and/or zoning proposals before they can be adopted and implemented. Such studies and information will help guide the City's preparation, consideration and action upon the contemplated General Plan, specific plan and/or zoning proposals, including by enabling the City to have a better understanding of how to best avoid negative effects of development and operation of additional warehousing and distribution uses on public health, safety and welfare.

D. This Ordinance is being adopted in order to allow the City time to thoroughly study, develop, revise, and adopt General Plan, specific plan and/or zoning regulations related to development and operation of additional warehousing and distribution uses, to enable the City to adequately and appropriately protect and preserve the health, safety and welfare of the communities and residents of the City.

E. The approval, establishment or expansion of additional warehousing and distribution uses during the effectiveness of this Ordinance may be in conflict with the contemplated General Plan, specific plan and/or zoning proposals described above, and as such there is a need to prohibit such uses and approvals temporarily to allow the City sufficient time to complete the necessary studies and take the necessary actions to protect the public health, safety and welfare as it relates to warehousing and distribution uses.

F. As a result of the current and immediate threat to the public health, safety and welfare, it is necessary to adopt a temporary, forty-five (45) day moratorium on approval, establishment and expansion of warehousing and distribution uses in the City, as detailed in Section 5 below. This Interim Urgency Ordinance is necessary to protect public health, safety, and welfare against the current and immediate threat to same as described above.

Section 4. Authority and Effect. Government Code Section 65858 expressly authorizes the City, in order to protect public safety, health, and welfare, to adopt an interim urgency ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect 45 days from its date of adoption, unless duly extended in accordance with Government Code Section 65858.

Section 5. Moratorium. During the effective period of this Ordinance, except as otherwise provided in Section 6 below, approval, establishment and expansion of warehousing and distribution uses is prohibited City-wide, and the City (including any City official, officer, employee, agent, department, commission, or legislative body) shall not issue or approve any subdivisions, use permits, variances, grading permits, building permits, development plan reviews, or any other applicable entitlement for use for approval, establishment or expansion of any warehousing or distribution use. “Expansion” as used in this Ordinance includes any modification to an approved warehousing and distribution use that would increase the square footage of the use or constitute a major modification within the meaning of Perris Municipal Code Section 19.54.030.

Section 6. Exemptions. This Ordinance does not apply to any of the following:

A. Warehousing and distribution development projects that have a statutory development agreement with the City, a vesting tentative subdivision map approved by the City, or a grading permit or building permit approved by the City, or the resulting warehousing and distribution uses consistent with those approvals.

B. Requests or approvals for extensions of time for effectiveness of existing entitlements, permits, or approvals.

C. Requests or approvals for extensions of time for effectiveness of pending building permit applications.

D. Continued operation of lawfully-established existing warehousing and

distribution uses, including minor modifications within the meaning of Perris Municipal Code Section 19.54.030 that do not increase the square footage of the use.

E. High-Cube Parcel Hubs, as described in Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition Land Use Code 156.

Section 7. Study and Development. During the effective period of this Ordinance, the City shall study, develop and consider any necessary General Plan, specific plan and/or zoning regulations related to warehousing and distribution developments and uses and the associated trucking activity, including (without limitation) studies on the impact to City roadway degradation associated with a high concentration of warehousing and distribution uses and studies, development or consideration of the other matters referenced in Section 3.B above, that will enable the City to adequately and appropriately protect the public peace, health, safety, and welfare, as well as environmental justice and environmental quality, in connection with such developments and uses.

Section 8. Severability. Should any provision, portion, section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, portions, sections, subsections, paragraphs, sentences, clauses, phrases, and words of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have adopted this Ordinance and each provision, portion, section, subsection, paragraph, sentence, clause, phrase, clause or word hereof, irrespective of the fact that any one or more provisions, portions, sections, subsections, paragraphs, sentences, clauses, phrases, or words hereof may be rendered or declared invalid or unconstitutional.

Section 9. Effectiveness. This Interim Urgency Ordinance shall take effect immediately upon its adoption by at least a four-fifths affirmative vote pursuant to Government Code Section 65858. This Ordinance shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with Government Code Section 65858(a). Not later than ten (10) days prior to the expiration of this Interim Urgency Ordinance or any extension, the City Council shall issue a written report as required by Government Code Section 65858(d).

Section 10. Publication. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard.

[signatures on the following page]

ADOPTED, SIGNED and **APPROVED** this 9th day of December, 2025.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Urgency Ordinance Number 1466 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 9th day of December, 2025, by the following called vote:

AYES: RABB, VALLEJO, NAVA, CORONA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar