



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: July 27, 2021

SUBJECT: Zone Text Amendment (Text Change) No. 187-2021
(Referral from City Council)

APPLICANT: N/A

REQUEST: Consider Recommendation of Proposed Text Change
Ordinance to City Council

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			
		Huff			Alt. Docdocil Alt. Hernandez

Item No. 6A

I. Introduction

Applicant

N/A

Location

Citywide

II. Project Description and Background

Zone Text Amendment No. 187-2021 (the “ZTA”) is a proposed text change to the Carson Zoning Ordinance (Chapter 1 [“Zoning”] of Article IX [“Planning and Zoning”] of the Carson Municipal Code [“CMC”]) pursuant to CMC Section 9172.11, regarding the permitted land uses in industrial zones. The ZTA was initiated by written request of John P. Kinsey, Esq., on behalf of Inland Star Distribution Centers, Inc., via letter to the City dated February 21, 2020 (the “Request”).

A. Initial Planning Commission Hearing – April 13, 2021

The Planning Commission considered the Request on April 13, 2021, and recommended adoption of an ordinance to the City Council that would have:

(1) partially granted the Request as it pertains to non-hazardous materials by adding numerous categories of materials that would be permitted for storage indoors “by right” or outdoors subject to Director approval; and

(2) deviated from the Request as it pertains to industrial uses involving the substances listed in the CalARP regulations at 19 CCR §2770.5, irrespective of “threshold quantity” (referred to in the ordinance as “Regulated Substances”), by designating such uses as prohibited uses, rather than as conditionally permitted uses as was suggested in the Request (the “April 13 Ordinance”; Exhibit No. 1.B.i).

In connection with the recommendation, the Planning Commission also included a “note” to the Council asking the Council to carefully consider the adverse impacts the April 13 Ordinance would have on lawfully-established existing businesses in the City that would be rendered legal, nonconforming uses by the April 13 Ordinance’s prohibited use designation pertaining to Regulated Substances.

B. City Council Hearing – May 18, 2021

The City Council considered the April 13 Ordinance at a public hearing on May 18, 2021. In the May 18 staff report to the Council, numerous options were proposed for the Council’s consideration pertaining to ways to modify the April 13 Ordinance to avoid unduly severe adverse impacts on lawfully-established existing uses. After the hearing, the Council provided direction to staff regarding obtaining additional information from the CUPA and referred the matter back to the Planning Commission pursuant to CMC 9172.11(F), requesting that the Commission assess the various options presented and return a recommended ordinance to the Council that incorporates the option or combination of options that the Commission determines best achieves the City’s objectives, as detailed in the June 22, 2021 Commission staff report attached hereto as Exhibit No. 1.

C. Planning Commission Hearing – June 22, 2021

On June 22, 2021, the Planning Commission held a public hearing on the referral from the City Council, and provided direction to staff regarding preparation of the proposed ordinance which is attached hereto as Exhibit No. 3.A and discussed below.

III. Analysis

A. Additional Information Obtained from the CUPA

The June 22, 2021 staff report to the Planning Commission noted that as of said date, staff had not yet been able to obtain complete and precise violation/compliance information from the CUPA regarding the nature and history of violations of the CalARP-regulated businesses in the City. Staff has since received additional information from the CUPA in the form of an updated version of the prior CUPA spreadsheet (Exhibit No. 1.C) specifying the compliance status of the CalARP-regulated businesses in the City, including the most recent inspection date and violations cited. The updated spreadsheet is attached hereto as Exhibit No. 2. However, the violations cited are coded in a H### format maintained by the CUPA. Staff has requested an explanation or means of understanding the violation(s) that each of the coded identifiers refers to, but has not received such information as of the date of this report. Additionally, staff has requested a list from the CUPA of all businesses located in the City that are regulated by the CUPA under the hazardous materials program element(s) of the Unified Program (as opposed to the list of just the businesses regulated under the CalARP program, which the City has, as shown in Exhibit No. 1.C and Exhibit 2), but the CUPA has not provided such list as of the date of this report.

B. Proposed Ordinance

Pursuant to the Commission's direction on June 22, 2021, staff has prepared the proposed ordinance attached to this report as Exhibit No. 3.A for the Commission's consideration for purposes of making a recommendation to the City Council in response to the Council's May 18, 2021 referral action.

The proposed ordinance would establish the following regulations for manufacturing and storage uses in both of the City's industrial zones, irrespective of proximity to residential or other sensitive uses:

Amendments to Permitted Use Table CMC 9141.1

- Designate new uses involving Regulated Substances at or above a threshold quantity as prohibited uses;
- Designate new uses involving Regulated Substances below a threshold quantity as permitted subject to issuance of a conditional use permit;
- Designate new uses involving "hazardous materials," as defined in Health & Safety Code Section 25501(n), in any quantity ("Hazardous Materials") as permitted subject to issuance of a conditional use permit;
- Include a caveat in the definition of "Regulated Substances" that would operate to exclude gas stations/retailers from applicability of the proposed ordinance; a corresponding exclusion exists in the CalARP program.

Amendments to Nonconforming Use Regulations

- Add a new CMC Section 9182.46 to provide that lawfully-established existing uses shall be exempt from applicability of the proposed ordinance's permitted use designations described above, provided such existing uses apply for and obtain a Director-approved permit. If a lawfully-established existing use fails to obtain the Director-approved permit, the use would not be exempted from the proposed ordinance's permitted use designations, and would therefore be rendered legal, nonconforming and thereby made subject to the City's nonconforming use regulations set forth in Division 2 of Part 8 of the Carson Zoning Ordinance, which generally require legal nonconforming uses to be terminated or made conforming within a specified period of time (the "Nonconforming Use Regulations").
- To obtain the Director-approved permit, the existing uses would be required to submit, within 60 days of the effective date of the proposed ordinance¹, a completed application on a Director-approved form which would require them to disclose whether they use or store Regulated Substances or Hazardous Materials, the quantity of such materials they currently have, and the maximum quantity of such materials that they may have at any given time, and to agree to submit to annual inspections conducted by the City.
- The City inspections, to be conducted by yet-to-be-hired staff or consultant inspectors, would be in addition to any required Unified Program Inspections, and would serve the purpose of allowing the City to help ascertain and report any potential Unified Program violations to the CUPA, as well as to ensure compliance with the Carson Municipal Code.
- If at any point the information disclosed in the application becomes inaccurate or out-of-date with respect to the maximum quantity of Regulated Substances or Hazardous Materials that the lawfully-established existing use could potentially have at any given time, the lawfully-established existing use would be required to submit an addendum to the application to correct/update same.
- Upon receipt of a completed application, the Director would be required to approve the permit. The permit approval would be effective as of the date of submission of the completed application. However, if at any point, prior to approval of the permit or after, the Director determines that the information contained in an application or addendum was falsified or fraudulent, or the permittee fails or refuses to submit to any required City inspection, the permit would automatically lapse and terminate (or if pending would be denied) without a hearing, upon Director notice to the permittee. In the case of a falsified or fraudulent application, the application would be deemed null and void effective retroactively as of the date of submission of the application.
- Following the date of Director notice to a permittee of the lapse of a permit, a permittee would have 60 days to re-apply for the permit by submitting a completed application, and effective upon receipt of such a completed application, the Director would again approve the permit. However, if any lawfully-established existing use causes or allows its permit to lapse three times (or one time if deemed null and void due to fraud/falsification), the

¹ Following Council adoption of the proposed ordinance, staff would send a notice of same to all businesses in the M-L and M-H zones, together with a copy of the Director-approved application form.

lawfully-established existing use would permanently forfeit its right to re-apply, and would thereby forfeit any continued opportunity to avail itself of this exemption from applicability of the Nonconforming Use Regulations.

- Existing uses that fail to submit a completed application for the Director-approved permit within 60 days of effectiveness of the ordinance would be rendered legal nonconforming and the applicable amortization period for the use to be terminated or made conforming would commence running from the date of the missed application deadline. However, failure to timely submit a completed application would not preclude the existing use from later applying for and obtaining the Director-approved permit to avail itself of the exemption, provided a completed application is submitted before expiration of the applicable amortization period.
- Issuance of the Director-approved permit would have the effect of freezing the amortization period (although technically it would be considered inapplicable during effectiveness of the permit), such that if the permit ever lapses and the permittee does not timely re-apply, the remaining amortization period would commence running from the date of the missed re-application deadline.

The following tables are included as a follow up to those contained in the June 22 Planning Commission staff report (Exhibit No. 1), and are modified therefrom, to illustrate how the Commission tentatively decided the issues presented to it during the June 22 hearing and the direction that the Commission ultimately provided to staff for preparation of the proposed ordinance. Check marks (√) indicate the Commission's tentative determinations that have been memorialized in the proposed ordinance.

New Uses:

	Prohibit	Permit Subject to CUP	Automatically Permit
CalARP Regulated Substances At or Above Threshold Quantity	√		
CalARP Regulated Substances Below Threshold Quantity		√	
Hazardous Materials (irrespective of quantity)		√	

Lawfully-Established Existing Uses:

	Do Not Exempt them from Ordinance	Exempt them from Ordinance, subject to Director Approval (Disclosure and Inspection Requirements)	Unequivocally Exempt them from Ordinance
CalARP Regulated Substances At or Above Threshold Quantity		√	

CalARP Substances Threshold Quantity	Regulated Below		√
Hazardous (irrespective of quantity)	Materials		√

The proposed ordinance also retains the provisions of the April 13 Ordinance regarding industrial use or storage of nonhazardous materials, namely, expanding the list of nonhazardous materials that are automatically permitted for indoor storage, and attaching a Director-approval designation for outdoor storage of such materials.

IV. Environmental Review

Consideration of ZTA No. 187-2021 does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

V. Public Notice

Notice of the public hearing was posted on July 15, 2021, and advertised in the July 15, 2021 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

VI. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 21-___, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT ‘ORDINANCE NO. 21-___, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES AND HAZARDOUS MATERIALS, AND ADDING SECTION 9182.46 (NONCONFORMITY FOR USE OR STORAGE OF REGULATED SUBSTANCES AND HAZARDOUS MATERIALS) TO DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING)

REGARDING NONCONFORMITIES FOR USE OF REGULATED SUBSTANCES' (ZONE TEXT AMENDMENT NO. 187-2021).”

VII. Exhibits

1. Planning Commission Staff Report (June 22, 2021), with exhibits:
 - A. Planning Commission Staff Report (April 13, 2021)
 - B. City Council Staff Report (May 18, 2021)
 - i. April 13 Ordinance
 - ii. Planning Commission Resolution No. 21-2707
 - iii. Planning Commission Minutes, April 13, 2021
 - iv. ZTA 187-2021 Request and Response Letter
 - v. List of CalARP Substances
 - C. CUPA Spreadsheet
 - D. Radius Maps
2. Additional Information Received from CUPA (updated CUPA Spreadsheet)
3. Proposed Resolution No. 21-____.
 - A. Proposed Ordinance

Prepared by: Alvie Betancourt, Planning Manager; City Attorney's Office



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 22, 2021

SUBJECT: Zone Text Amendment (Text Change) No. 187-2021
(Referral from City Council)

APPLICANT: N/A

REQUEST: Consider Referral from City Council on Requested
Text Change

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			
		Huff			Alt. Docdocil Alt. Hernandez Alt. Phillips

Item No. 5A

I. Introduction

Applicant

N/A

Location

Citywide

II. Project Description and Background

Zone Text Amendment No. 187-2021 (the "ZTA") is a proposed text change to the Carson Zoning Ordinance (Chapter 1 ["Zoning"] of Article IX ["Planning and Zoning"]) of the Carson Municipal Code ["CMC"]) pursuant to CMC Section 9172.11, regarding the permitted land uses in industrial zones. The ZTA was initiated by written request of John P. Kinsey, Esq., on behalf of Inland Star Distribution Centers, Inc., via letter to the City dated February 21, 2020 (the "Request").

The Planning Commission considered the Request on April 13, 2021, and recommended adoption of an ordinance to the City Council that would have:

(1) partially granted the Request as it pertains to non-hazardous materials by adding numerous categories of materials that would be permitted for storage indoors "by right" or outdoors subject to Director approval; and

(2) deviated from the Request as it pertains to industrial uses involving the substances listed in the CalARP regulations at 19 CCR §2770.5, irrespective of "threshold quantity" (referred to in the ordinance as "Regulated Substances") by designating such uses as prohibited uses, rather than as conditionally permitted uses as was suggested in the Request). (Exhibit No. 2.A; the "April 13 Ordinance").

In connection with this recommendation, the Planning Commission also included a "note" to the Council asking the Council to carefully consider the adverse impacts the April 13 Ordinance would have on lawfully-established existing businesses in the City that would be rendered legal, nonconforming uses by the ordinance's prohibited use designation pertaining to Regulated Substances.

The City Council considered the April 13 Ordinance at a public hearing on May 18, 2021. In the May 18 staff report to the Council, numerous options were proposed for the Council's consideration pertaining to ways to modify the April 13 Ordinance to avoid unduly severe adverse impacts on lawfully-established existing businesses. After the hearing, the Council referred the matter back to the Commission pursuant to CMC 9172.11(F) to consider all such options and return a recommended ordinance to the Council that reflects the Commission's judgment on the preferred treatment of lawfully-established existing businesses.

The Council also requested staff to obtain further information from the Certified Unified Program Agency having jurisdiction in the City (the Los Angeles County Fire Department, Health Hazardous Materials Division; hereafter referred to as the "CUPA") regarding the existing businesses that would be impacted by the April 13 Ordinance. The CUPA is responsible for administration and enforcement of the state's hazardous materials regulations collectively known as the "Unified Program," which includes but is not limited to the California Accidental Release Prevention ("CalARP") program.

Staff obtained a list of the businesses located in Carson that are regulated by the CUPA under the CalARP program, as well as information regarding the compliance history of the respective facilities. The list is attached for the Commission's consideration as Exhibit 3, and this topic is discussed further in Section III.B of this report, below.

III. Analysis

A. Direction from Council

The May 18, 2021 staff report to the City Council noted that the April 13 Ordinance would render lawfully-established existing land uses involving Regulated Substances in storage or manufacturing in the City's industrial zones to be legal nonconforming uses. The number of businesses in the City that would be rendered legal nonconforming by the April 13 Ordinance could be significant due to the number of existing industrial businesses in the City and the breadth of the ordinance's prohibited use designation (including the fact that it would apply irrespective of the quantity of a Regulated Substance present at a given business) and the lack of exceptions made in the April 13 Ordinance for lawfully-established existing land uses.

The May 18 Council staff report also noted that the City's Municipal Code provisions applicable to nonconforming uses, codified in Division 2 of Part 8 of Chapter 1 of Article IX of the Carson Municipal Code (the "Nonconforming Use Regulations") generally: (1) prohibit change of use, expansion, addition, alteration, improvement, relocation on the same site or other changes in connection with a development or use which involves a nonconformity, unless certain limited criteria are met; and (2) require the nonconforming use to be terminated or made conforming within a specified period of time, which is designed to be sufficient for the reasonable amortization of the property owner's/business' fixed investment in the nonconformity.

Based on these considerations and the Planning Commission's "note" to the Council, the May 18 Council staff report proposed the following options for potential modifications to the April 13 Ordinance to avoid unduly severe adverse impacts on lawfully-established existing businesses:

- Reduce the scope of the ordinance by incorporating the "threshold quantity" concept into the proposed land use designations. That is, rather than providing that all uses involving Regulated Substances are prohibited, provide that uses involving Regulated Substances *at or above a threshold quantity* are prohibited, whereas uses involving *less than a threshold quantity* are permitted subject to a conditional use permit or other specified approval/entitlement;
- Reduce the scope of the ordinance by applying the prohibited use designation only for uses involving Regulated Substances that are located within a certain distance of specified sensitive uses such as residences, schools, and parks;
- Amend the Nonconforming Use Regulations to define a minimum area of land usage that would have to be met before a lawfully-established existing use is deemed to be nonconforming with respect to the prohibited use designation. For example, if more than 50% of the area of the existing land use is devoted to storage of Regulated Substances, the use would be deemed nonconforming (in

which case the use would be subject to the Nonconforming Use regulations as referenced above, including the requirement of eventual conformance or termination of the use), and any percentage less than that would not render the use nonconforming;

- Amend the Nonconforming Use Regulations to provide that lawfully-established existing uses that are rendered legal nonconforming by the prohibited use designation may continue to operate indefinitely notwithstanding the prohibited use designation (blanket exemption); or
- Amend the Nonconforming Use Regulations to provide that lawfully-established existing uses that are rendered nonconforming by the prohibited use designation may continue to operate indefinitely *provided* they obtain a CUP or other approval/entitlement, or meet other specified requirements.

1. Blanket Exemption for Lawfully-Existing Uses

With reference to the blanket exemption option identified in the second-to-last bullet point above, the Council's discussion indicated that it likely does not favor creating such a broad and unequivocal exemption, because it does not wish to grant a free pass to lawfully-established existing businesses that have a significant negative history of violations of the CalARP regulations or other applicable laws indicating they are not safe and responsible operators.

Lawfully-established existing land uses (i.e., those that obtained the necessary City land use entitlement or approval prior to commencing operation and have maintained it since that time) would normally enjoy grandfathered status with respect to the April 13 Ordinance's prohibited use designation, meaning they would be rendered legal nonconforming and thus subjected to the Nonconforming Use Regulations, as opposed to being treated like new businesses which would be immediately prohibited.

Providing the blanket exemption referenced above would shield lawfully-established existing businesses from the effects of the prohibited use designation entirely. The Council indicated that such a carte blanche exemption status should not be granted to any business that has a significant negative track record of violations indicating that it is not a safe operator, and that the City should instead retain some control or oversight to ensure such a business operates safely or not at all.

2. Retention of a City Consultant

The Council also expressed interest in retaining a consultant to help the City ascertain and inspect industrial businesses that use or store Regulated Substances in the City, and to work with the CUPA to help ensure comprehensive enforcement of and compliance with the CalARP program in the City.

The hope is that the City would be able to identify a consultant with expertise in the Unified Program, and that the consultant would be able to work cooperatively with the CUPA, establishing lines of communication and effectively supplementing the staffing resources of the CUPA as it pertains to inspecting businesses to ascertain the presence of Regulated Substances and the existence of any violations of the CalARP program or

relevant laws or regulations, and then reporting and ensuring follow-up on the violations as necessary to ensure continuing compliance.

Staff has reached out to the CUPA regarding this idea, but has not obtained a commitment from the CUPA in regards to a willingness to work with a consultant funded by the City. The CUPA indicated that the authority to administer and enforce the Unified Program is reserved to the CUPA, and that a City consultant, just like any member of the public, would be limited to submitting service requests and complaints to the CUPA for response and follow up by the CUPA.

3. Retention of Additional CUPA Staffing Resources within City

Alternatively, Council considered the possibility of paying the County for additional CUPA resources devoted to the CalARP-regulated facilities located in the City as a way of potentially obtaining increased inspection frequency and follow up and ensuring that the CUPA is able to devote all necessary attention to each such facility. Currently, the CUPA conducts routine inspections of each CalARP-regulated business once every three years, and when an inspection reveals a violation, a follow up is conducted within 30 days.

Staff inquired with the CUPA regarding the possibility of the City paying for additional CUPA staffing for the City, potentially via an agreement with the County, and the CUPA representative indicated he would consult with the relevant authorities within the County/CUPA and provide the City with a response as soon as possible.

4. Council Decision

After considering the options presented by staff, the Council decided to refer the matter back to the Commission, requesting that the Commission assess the various options presented and return a recommended ordinance to Council that incorporates the option or combination of options that the Commission determines best achieves the aforementioned objectives. In the meantime, the Council directed staff to attempt to obtain additional information from the CUPA, as discussed above and below.

B. Information Obtained from the CUPA

Pursuant to Council direction, staff requested a list of CalARP-regulated businesses in the City, along with current compliance status and history of violations for each of them, from the CUPA. In response, the CUPA provided the spreadsheet attached hereto as Exhibit 3 (the "CUPA Spreadsheet").

The CUPA Spreadsheet identifies the facilities located in the City that are regulated by the CUPA under the CalARP program. As noted above, the CUPA administers and enforces all program elements of the Unified Program (i.e., all of the state's hazardous materials regulations) in the City, not just the CalARP program. The CUPA spreadsheet only lists the 13 facilities that are regulated under the CalARP program, but also identifies the other Unified Program elements under which those same facilities are regulated.

One of the non-CalARP program elements of the Unified Program is known as the “hazardous materials business plan” (HM) program, which applies where hazardous materials are present in quantities that are below the CalARP “threshold quantities” but above specified lower thresholds (generally 55 gallons of a liquid, 200 cubic feet of a compressed gas, or 500 pounds of a solid). Although the CalARP program captures the highest threat level, the purpose of the HM program is, similarly, to prevent or minimize the damage to public health and safety and the environment from a release or threatened release of hazardous materials. “Hazardous materials,” for purposes of the HM program, is defined generally as any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Health & Safety Code §25501(n). The definition is not limited to the Regulated Substances listed in the tables set forth in 19 CCR §2770.5 of the CalARP regulations.

Other Unified Program Elements include the hazardous waste (HW) program, the Above Program Petroleum Storage Act (APSA), and the Tiered Permitting (TP) program. The various tabs of the CUPA spreadsheet identify the various program elements under which these facilities are regulated, using the foregoing acronyms. The CUPA Spreadsheet also includes a master list tab that contains multiple entries for each facility, with a separate entry for each program element under which the facility is regulated. The CUPA Spreadsheet does not list all facilities regulated under each of the non-CalARP program elements; it is only comprehensive as to the CalARP-regulated facilities.

Staff sent a follow up request to the CUPA for information regarding the nature and history of violations of the CalARP-regulated businesses, and was directed to the EPA portal, available at <https://siteportal.calepa.ca.gov/nsite/map/help>. The EPA portal contains an overview of the compliance status and history of most of the facilities. Staff’s search of the EPA portal revealed compliance information for 11 of the 13 CalARP regulated facilities in Carson. Among these 11 businesses, one business had three listed evaluations with CalARP violations, five businesses had two listed evaluations with CalARP violations, four businesses had one listed evaluation with CalARP violations, and one business had no listed evaluations with CalARP violations. These violations spanned across a number of years, with the most recent CalARP violations having been cited in 2020. Compliance information did not appear to be available for the two refinery sites, Phillips 66 and Tesoro.

It should be noted that, although staff does not yet have precise and comprehensive information regarding all of the aforementioned violations, staff confirmed with the CUPA that not all violations of the CalARP regulations are serious in terms of posing a direct threat to public safety (for example, some violations relate merely to incorrect completion of paperwork or incomplete retention of records), and most if not all of the above-referenced violations have since been resolved.

C. Options for Commission’s Consideration

Pursuant to the Council’s referral, staff requests the Commission to discuss and provide direction regarding the best approach to modifying the April 13 Ordinance to lessen the impacts on lawfully-established existing businesses; this may include reducing the

ordinance's scope of applicability to new uses as well, as discussed above. The following tables are included to aid the Commission's decision-making process in regards to developing a plan that staff can memorialize in an ordinance for subsequent Commission review and approval.

Check marks (√) indicate issues previously tentatively decided by Commission/Council, x marks (X) indicate options previously tentatively ruled out by Commission/Council, and question marks (?) indicate options staff believes may warrant the Commission's primary attention as the source of a potential recommendation to Council.

New Businesses:

	Prohibit	Permit CUP or Other Approval	Subject to	Automatically Permit
At or Above Threshold Quantity	√			
Below Threshold Quantity (within specified distance of sensitive uses)	?	?		
Below Threshold Quantity (beyond specified distance from sensitive uses)		?		?

Lawfully-Established Existing Businesses:

	Do Not Exempt them from Ordinance	Exempt them from Ordinance, subject to specified requirements	Unequivocally Exempt them from Ordinance
At or Above Threshold Quantity		?	X
Below Threshold Quantity (within specified distance of sensitive use)		?	
Below Threshold Quantity (beyond specified distance from sensitive use)			?

If the Commission elects one of the options imposing a distinction based on whether a Regulated Substances use is within a specified distance of a sensitive use, a distance would need to be set. Staff has prepared 1,000 ft. and 2,500 ft. radius maps showing what areas of the City would be covered within such radii. The Commission would also need to determine what constitutes a sensitive use; typical examples would be residential areas or locations where children are present, such as schools, day cares, parks or playgrounds.

If the Commission elects one of the options permitting a new use involving less than a threshold quantity of Regulated Substances subject to a CUP or other approval, the

Commission would need to determine what that entitlement or approval would be. Similarly, if the Commission elects one of the options exempting a lawfully-established existing use subject to specified requirements, it would need to determine what those requirements would be; examples include defining a minimum area of land usage as discussed in the third bullet point in Section III.A, above, or requiring such uses to submit to additional regulatory inspection or oversight required by the City or the CUPA if the City is able to retain a consultant to perform these functions or pay for additional CUPA staffing as discussed in Section III.A.3, above.

As an alternative to basing the prohibited and permitted use designations on facilities involving "Regulated Substances" above or below CalARP threshold quantities, the Commission may wish to consider instead utilizing the broader "hazardous materials" definition and lower threshold amounts used in state law for the HM program element, discussed above. However, because the HM program element captures a lower threat level than the CalARP program, if the Commission elects to pursue this alternative, accompanying adjustments to the proposed prohibited and permitted use designations may be warranted.

Lastly, in connection with any recommendation prohibiting uses involving "Regulated Substances," staff recommends including a caveat to the definition of "Regulated Substance" that would operate to exclude gas stations, both existing and new, from applicability of the proposed ordinance; a corresponding exclusion exists in the CalARP program.

IV. Environmental Review

Consideration of ZTA No. 187-2021 does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" from CEQA's definition of "project." Furthermore, even if the proposed zone text amendment were a "project," it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

V. Public Notice

Notice of the public hearing was posted on June 10, 2021, and advertised in the June 10, 2021 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

VI. Recommendation

That the Planning Commission:

- **DISCUSS** and **PROVIDE DIRECTION** to staff.

VII. Exhibits

1. Planning Commission Staff Report (April 13, 2021)
2. City Council Agenda Packet (May 18, 2021)
 - A. Ordinance Recommended by Planning Commission on April 13, 2021
 - B. Planning Commission Resolution No. 21-2707
 - C. Planning Commission Minutes, April 13, 2021
 - D. ZTA 128-2021 Request and Response Letter
 - E. List of Substances
3. CUPA Spreadsheet
4. Radius Maps

Prepared by: Alvie Betancourt, Planning Manager; Saied Naaseh, Community Development Director; City Attorney's Office



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 13, 2021

SUBJECT: Zone Text Amendment (Text Change) No. 187-2021

APPLICANT: N/A

REQUEST: Consider Requested Text Change and Provide Recommendation to City Council

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			
		Huff			Alt. Alt. Alt.

Item No. 5A

I. Introduction

Applicant
N/A

Location
Citywide

II. Project Description and Background

Zone Text Amendment No. 187-2021 (the "ZTA") is a proposed text change to the Carson Zoning Ordinance (Chapter 1 ["Zoning"] of Article IX ["Planning and Zoning"] of the Carson Municipal Code ["CMC"]) pursuant to CMC Section 9172.11. The ZTA was initiated by written request of John P. Kinsey, Esq., on behalf of Inland Star Distribution Centers, Inc., via letter to the City dated February 21, 2020, requesting either an amendment or a Director interpretation (per CMC 9172.24) of CMC Section 9141.1 as to the permitted uses for storage of materials in industrial zones (Exhibit 2; the "Request Letter" or, specifically with respect to the ZTA request therein, the "Request").

The City sent a written response to the Request Letter on March 20, 2020, opting for the text amendment approach, and informing the requestor that although the CMC provides for the request to be considered within 13 months, additional time would be needed due to interruption in City operations due to the COVID-19 pandemic (Exhibit 3; the "Response Letter"). The City Attorney's office contacted the requestor via telephone on March 10, 2021, and follow up/notice email on March 23, 2021, confirming the requestor did not object to the ZTA being considered by the Commission on April 13, 2021.

III. Analysis

A. Overview of Request; Existing Provisions of CMC Section 9141.1

The Request seeks a ZTA to update and clarify CMC Section 9141.1 with regard to what materials may be stored "by right" (i.e., without a City permit/entitlement other than the general business license requirement, also referred to as an "automatically permitted use") in industrial zones. The City's two industrial zones are the Manufacturing-Heavy (M-H) Zone and the Manufacturing-Light (M-L) Zone. As stated in the Request:

...[T]here are any number of ways the City would amend the text of Section 9141.1 to provide clarity to the regulated public. However, the simplest way to strike a balance between achieving the City's objectives of promoting health, safety and welfare and allowing storage facilities sufficient flexibility to engage in standard business practices would be to modify Section 9141.1 to allow storage facilities as a "by right" land use so long as CalARP-regulated materials are not stored onsite. If any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit. [¶] Alternatively, the City could specifically authorize the storage of materials that are typically used in the manufacturing process for other industrial "by right" uses.

"CalARP-regulated materials" generally refers to what is commonly known as hazardous materials. Thus, the Request essentially seeks an amendment to provide that so long as no hazardous materials are present, a storage facility should be permitted "by right" for storage of any and all other, nonhazardous materials, whereas if

hazardous materials are present, the Request suggests that a conditional use permit ("CUP") be required to store the materials.

CMC Section 9141.1 lists the approval requirements applicable to various types of storage, manufacturing, and other industrial uses. The approval requirement categories include (among others): automatically permitted use, automatically permitted provided any special limitations/requirements are satisfied, permitted subject to Director approval, and permitted upon approval of a CUP.

Currently, CMC Section 9141.1 does not define or comprehensively address CalARP-regulated materials. It lists certain categories of substances that could potentially include some CalARP-regulated materials, such as "poisons," organic peroxides," and "explosives," generally providing that such uses are conditionally permitted in the M-H zone and prohibited in the M-L zone. Substances listed as a blank in the storage table in CMC Section 9141.1, or not listed at all, are prohibited. (See CMC §9141.3, "[a]ll uses are prohibited except as expressly permitted by the provisions of this Chapter"; *City of Corona v. Naulls*, 166 Cal. App. 4th 418 (2008) [holding "where a particular use of land is not expressly enumerated in a city's municipal code as constituting a *permissible* use, it follows that such use is impermissible."]).

There are numerous types of non-CalARP-regulated materials that are not listed in the storage table in Section 9141.1, meaning such materials are impermissible for storage in industrial zones despite being nonhazardous in nature. Further, many of these types of materials are listed as being permissible for manufacturing uses in the same zones, and it stands to reason that manufacturing involving a particular material requires the material to be stored at the manufacturing site for at least some period of time.

B. Staff Recommendation; Proposed Ordinance

1. Nonhazardous materials component

Based on the foregoing, staff is of the opinion that the Request is reasonable insofar as it requests an expansion of CMC Section 9141's list of materials that are permissible for storage in industrial zones to include the materials that are currently listed as permissible for manufacturing uses in industrial zones. The proposed ordinance, which reflects staff's recommendation (Exhibit 1.A) would do so, but would not go so far as to provide that *all* non-CalARP-materials are automatically permitted for storage in industrial zones as suggested in the Request, for the reasons stated in the resolution findings.

Note that the materials added to the list of new permissible storage uses are generally added as automatically permitted uses in the proposed ordinance, because that is how they are listed in the manufacturing context. The one caveat is with respect to tires – the parenthetical "(indoor only)" has been added for this category, to make it clear that outdoor storage of tires will be excluded from the new automatically permitted use due to the potential for resulting adverse aesthetic impacts or public nuisance conditions related to the storage of items constituting or resembling junk and debris in areas that may be visible from the public right-of-way or adjacent properties. The Commission may feel that similar considerations may apply to other categories of materials that are listed

as new automatically permitted storage uses in the proposed ordinance, so the Commission should consider whether it wishes to impose similar "indoor only" restrictions on such other uses via modifications to the proposed ordinance.

The Commission may also wish to modify the proposed ordinance to impose approval requirements for some of these uses, rather than approving them as automatically permitted uses. For example, one category that has been added is "pharmaceuticals – drugs, medicines, vitamin tablets." The Commission may wish to impose some approval requirement for storage of these materials due to the potential value of the materials and corresponding potential for theft, to give the City regulatory oversight to ensure that property security is provided for such facilities. However, if the Commission does so, it may also wish to consider modifying the corresponding manufacturing use classification(s) for consistency.

2. Hazardous Materials component

With respect to Cal-ARP regulated materials, the Request's suggestion of requiring a CUP for all uses involving storage of such materials would represent a loosening of current CMC standards. Establishing a CUP requirement for all such uses would allow the City to review and condition approval of all requests to engage in such land uses, but if the criteria for issuance of a CUP set forth in CMC Section 9172.21 are met on a case-by-case basis, the City would be required to approve a CUP and thereby authorize such uses, subject only to imposition of conditions as authorized pursuant to CMC Section 9172.21(E), which provides that "in granting a Conditional Use Permit, conditions related to the proposed use and development may be imposed as deemed necessary to carry out the intent of this Chapter and to protect the public health, safety and general welfare."

The status quo under the existing CMC is that to the extent CalARP-regulated materials are not expressly listed as permissible uses, such uses are prohibited. As noted above, at best only a small portion of the universe of CalARP-regulated materials is covered within the types of materials that are currently listed as permissible uses for storage in CMC Section 9141.1 (e.g., "poisons," "explosives," "organic peroxides"; such uses are generally prohibited in the ML zone and permitted subject to a CUP in the MH zone). The remainder are prohibited uses. Additionally, CalARP-regulated materials are designated as such by state law because they have hazardous qualities such as being toxic, combustible, corrosive and/or flammable, and are potentially harmful to human health if accidentally released. The City considers protection of public health and safety of paramount concern, and therefore has a strong interest in minimizing the presence of these materials in the community to ensure the protection of public health and safety.

Accordingly, staff recommends that, rather than amending the Zoning Ordinance to make all industrial uses involving CalARP-regulated substances permissible uses subject to a CUP as suggested by the Request, the City instead amend CMC Section 9141.1 to create one comprehensive definition and express classification that includes all CalARP-regulated substances, and expressly provide that all industrial uses involving such substances are prohibited uses. This would supersede any other classification in CMC Section 9141.1 insofar as the other classification may be deemed to encompass any CalARP-regulated materials, and would establish a clear and

comprehensive rule that no new uses involving CalARP-regulated materials will be allowed or permitted. The proposed ordinance would effectuate this recommendation.

It should be noted that the state's CalARP regulations list the various types of hazardous materials and provide that the CalARP regulations apply to such materials only when present above a "threshold quantity." Below the "threshold quantity," CalARP regulations do not apply, because the definition of "regulated substance" excludes instances where less than a "threshold quantity" of a listed material is present. The proposed ordinance varies this by providing that the materials listed in the CalARP regulations are considered "regulated materials" for purposes of the ordinance irrespective of the quantity of materials present in a given location (i.e., irrespective of whether it constitutes a "threshold quantity"). The proposed ordinance therefore could apply to City land use permitting determinations in some situations where state and federal hazardous materials regulations would not apply to the subject uses.

The CalARP regulatory program is administered and enforced in the City by the Los Angeles County Fire Department, Health Hazardous Materials Division, in its capacity as the certified Unified Program Agency for the City (the "CUPA"). The City relies on the CUPA's expertise for regulation of CalARP-regulated substances because the City does not have staff with the requisite training, expertise or authority to engage in such regulation. Thus, it bears noting that the City would not have the regulatory support of the CUPA with respect to uses involving less than a "threshold quantity" of CalARP-regulated materials. On the other hand, the City would only be applying the more stringent standard for purposes of making a determination as to whether the use is a permissible land use and if so what approval requirements apply; not actually administering or enforcing substantive hazardous materials regulations or restrictions.

The attached resolution (Exhibit 1) would recommend that the Council adopt the proposed ordinance (Exhibit A to the attached resolution) to amend CMC Section 9141.1 to make the changes recommended by staff as described above.

3. Effect of Proposed Ordinance; Grandfathering

It should be noted that a zoning ordinance generally may not constitutionally operate to compel immediate discontinuance of an otherwise lawfully established use or business, unless that use or business constitutes a public nuisance. Thus, any existing, lawfully established uses involving storage or manufacturing of CalARP-regulated substances in industrial zones that would be prohibited by the new regulations established by the ordinance would become legal nonconforming uses. A legal nonconforming use generally means a use that was valid when brought into existence but that became nonconforming by subsequent regulation. Nonconforming uses are addressed in Division 2 of Part 8 of the City's Zoning Ordinance.

An example of a land use that would be made nonconforming by the proposed ordinance is a business that was lawfully established and issued a CUP to engage in manufacturing of "Explosives – fireworks, dynamite, ammunition, weapons involving use or testing with explosive materials" in the M-H zone, as that use is permitted subject to a CUP under the existing provisions of CMC Section 9141.1. Note, however, that this treatment would not apply to the requestor's business/land use in the City, because the

requestor is not a lawfully established use and has never been permitted to engage in any activity involving explosives, poisons, organic peroxides, or any CalARP-related substances in the City, and the City via inspection in December 2019 has confirmed the requestor is not doing so.

4. Cleanup of Legend

Finally, the proposed ordinance makes a cleanup change to the legend in CMC Section 9141.1, to remove from the legend the reference to all permitted commercial uses being subject to the requirements contained in CMC 9172.23 (Site Plan and Design Review), except temporary uses, and relocate such reference to below the legend. This change is recommended because it is apparent that the original inclusion of such reference in its current location in the legend was inadvertent and erroneous, and such error could create confusion regarding implementation of prohibited use designations because the “blank” designation in the legend is intended to, and properly interpreted does, refer to prohibited uses, consistent with the permissive nature of the City’s Zoning Ordinance as described above. The proposed ordinance would correct the legend to eliminate any confusion on this issue created by the prior error.

IV. Environmental Review

Consideration of ZTA No. 187-2021 does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

V. Public Notice

Notice of the public hearing was posted on March 17, 2021, and advertised in the March 18, 2021 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

VI. Recommendation

That the Planning Commission:

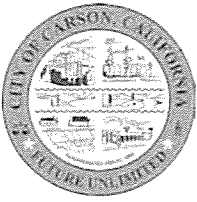
- **ADOPT** Resolution No. 21-2707, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT ‘ORDINANCE NO. 21-___, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING

PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND
MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED
SUBSTANCES' (ZONE TEXT AMENDMENT NO. 187-2021)"

VII. Exhibits

1. Draft Resolution No. 21-2707
 - A. Draft Ordinance
2. Request Letter
3. Response Letter

Prepared by: Alvie Betancourt, Planning Manager; City Attorney's Office



Legislation Text

File #: 2021-404, Version: 1

Report to Mayor and City Council

Tuesday, May 18, 2021

Special Orders of the Day

SUBJECT:

PUBLIC HEARING TO CONSIDER ORDINANCE NO. 21-2113, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES (CITY COUNCIL)

I. SUMMARY

The purpose of this item is for the Council to consider a recommendation from the Planning Commission that the City Council adopt the attached proposed ordinance, which would amend the City's Zoning Ordinance to:

- (1) prohibit land uses involving manufacturing or storage of hazardous materials listed in the CalARP regulations ("Regulated Substances") in the City's industrial zones; and
- (2) add numerous categories of non-hazardous materials to the list of materials that are automatically permitted for storage uses in industrial zones, with the caveat that the automatically permitted use designation would apply only to indoor storage, while outdoor storage would be permitted subject to Director approval to protect against adverse aesthetic impacts constituting or resembling public nuisance conditions.

On April 13, 2021, the Planning Commission voted unanimously in favor of recommending City Council adoption of the proposed ordinance, (Exhibit 1). However, in doing so, the Planning Commission also voted to deliver a note to the City Council requesting that prior to adoption of the proposed ordinance, the City Council carefully consider the effect that the proposed ordinance would have on lawfully-existing businesses involving use of Regulated Substances in the City's industrial zones, which would be rendered legal nonconforming uses by the proposed ordinance, (Exhibit 2).

II. RECOMMENDATION

1. OPEN the Public Hearing.
2. TAKE public testimony.
3. CLOSE the Public Hearing.

4. CONSIDER introduction, for first reading by title only and with full reading waived, of “ORDINANCE NO. 21-2113, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES” (Exhibit 1).

III. ALTERNATIVES

1. MODIFY or DISAPPROVE the recommendation of the Commission; provided, that any modification of the proposed ordinance by the City Council not previously considered by the Commission during its hearing, shall first be referred to the Commission for report and recommendation in accordance with CMC §9172.11(F).

IV. BACKGROUND

A. Text Amendment Request; Review Process

The proposed ordinance was initiated by written request of John P. Kinsey, Esq., on behalf of Inland Star Distribution Centers, Inc., via letter to the City dated February 21, 2020, for either a text change to Section 9141.1 of the City’s Zoning Ordinance pursuant to CMC Section 9172.11 or a Director interpretation thereof pursuant to CMC Section 9172.24. (Exhibit 4)

As indicated in a response letter issued to the requestor on March 20, 2020, the City opted to proceed with the consideration of the text change request, (Exhibit 4). The process entails Commission consideration of the request and issuance of a Commission recommendation to the City Council regarding same.

Pursuant to CMC Section 9172.11(E)-(F), upon receipt of the recommendation of the Commission, the City Council shall hold a public hearing, after which the City Council may approve, modify or disapprove the recommendation of the Commission, provided that any modification of the proposed ordinance by the City Council not previously considered by the Commission during its hearing shall first be referred to the Commission for report and recommendation, but the Commission shall not be required to hold a public hearing thereon. Failure of the Commission to report within 40 days after the reference, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed modification. No timeline is specified for the City Council action, (CMC §9172.11(F)).

The request sought an amendment to CMC Section 9141.1 to update and clarify it with regard to what materials may be stored “by right” (i.e., without a City land use entitlement, also referred to as an “automatically permitted use”) in industrial zones. The City’s two industrial zones are the Manufacturing-Heavy (M-H) Zone and the Manufacturing-Light (M-L) Zone. As stated in the request:

...[T]here are any number of ways the City would amend the text of Section 9141.1 to provide clarity to the regulated public. However, the simplest way to strike a balance between achieving the City’s objectives of promoting health, safety and welfare and allowing storage facilities sufficient flexibility to engage in standard business practices would be to modify Section 9141.1 to allow storage facilities as a “by right” land use so long as CalARP-regulated materials are not stored onsite. If any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit. [¶] Alternatively, the City could specifically authorize the storage of materials that are typically used in the manufacturing process for other

industrial “by right” uses.

“CalARP-regulated materials” refers to what is commonly known as hazardous materials, as detailed in section B.2 of this report. Thus, the Request essentially sought an amendment to provide that so long as no hazardous materials are present, a storage facility should be permitted “by right” for storage of any and all other, nonhazardous materials, whereas if hazardous materials are present, a conditional use permit (“CUP”) should be required to store the materials. It should be noted that the state’s CalARP regulations list the various types of hazardous materials and provide that the CalARP regulations apply to such materials only when present above a “threshold quantity.” Below the “threshold quantity,” CalARP regulations do not apply, because the definition of “regulated substance” excludes instances where less than a “threshold quantity” of a listed material is present. The proposed ordinance varies this by providing that the materials listed in the CalARP regulations are considered “regulated materials” for purposes of the ordinance irrespective of the quantity of materials present in a given location (i.e., irrespective of whether it constitutes a “threshold quantity”). CMC Section 9141.1 lists the approval requirements applicable to various types of storage, manufacturing, and other industrial uses. The approval requirement categories include (among others): automatically permitted use, automatically permitted provided any special limitations/requirements are satisfied, permitted subject to Director approval, and permitted upon approval of a CUP.

Currently, CMC Section 9141.1 does not define or comprehensively address CalARP-regulated materials. It lists certain categories of substances that likely include some CalARP-regulated materials, such as “poisons,” organic peroxides,” and “explosives,” generally providing that such uses are conditionally permitted in the M-H zone and prohibited in the M-L zone. Substances listed as a blank in the storage table in CMC Section 9141.1, or not listed at all, are prohibited, (See CMC §9141.3; *City of Corona v. Naulls*, 166 Cal. App. 4th 418 (2008)).

There are numerous types of non-CalARP-regulated materials that are not listed in the storage table in Section 9141.1, meaning such materials are impermissible for storage in industrial zones despite being nonhazardous in nature. Further, many of these types of materials are listed as being permissible for manufacturing uses in the same zones, and it stands to reason that manufacturing involving a particular material requires the material to be stored at the manufacturing site for at least some period of time.

B. Planning Commission Decision; Proposed Ordinance

1. Nonhazardous Materials

The proposed ordinance adopted by the Planning Commission partially grants the request regarding nonhazardous materials. Although the proposed ordinance does not go so far as to designate *all* nonhazardous materials as permissible for storage in industrial zones, it does expand the list of materials automatically permitted for storage in such zones to include numerous new categories of nonhazardous materials. The vast majority of the new categories are proposed to be added based on their status as automatically permitted for manufacturing uses under CMC Section 9141.1, and the remainder are proposed to be added based on their automatically permitted status under various neighboring cities’ municipal codes after a review of such codes.

The proposed ordinance does include one significant limitation on the automatically permitted use designation for these new categories of materials - such designation applies to *indoor* storage of such materials. Outdoor storage would be permitted subject to Director review. This limitation was added by the Planning Commission based on a concern that many of the categories of materials, if automatically permitted for outdoor storage, could result in adverse aesthetic impacts constituting or resembling public nuisance conditions related to the accumulation of trash, litter, refuse, rubbish, junk, debris, or waste materials (see, e.g., Carson Municipal Code §4124, §§5300 *et seq.*, §5702)

without a means of City regulatory oversight to prevent same. Accordingly, the Commission imposed a Director review standard to provide a layer of oversight to help alleviate these concerns. The CMC addresses other outdoor storage activities, as CMC Section 9146.29 outlines certain items that may be displayed in any outdoor yard area. Outdoor storage is permitted only in yards other than a required front yard and abutting future right-of-way area, but not in a required parking area. All such storage areas shall be screened from view from any adjoining public street or walkway.

2. Hazardous Materials

CalARP-regulated materials consist of regulated toxic and flammable substances under Section 112 (r) of the federal Clean Air Act (CAA) as well as regulated substances pursuant to California Health & Safety Code Section 25532(j)(2), which includes extremely hazardous substances listed in Appendix to Part 355 of Title 40 of the Code of Federal Regulations and that meet additional criteria relating to the chemical/physical properties of the substances specified in Section 25532(j)(2), or which the Governor's Office of Emergency Services has determined may pose a regulated substances accident risk (HSC §25532(j)(2); 19 CCR §2770.5).

The proposed ordinance departs from the request regarding CalARP-regulated materials. As noted above, the request suggests that storage of all CalARP regulated materials in industrial zones should be subject to issuance of a CUP. The proposed ordinance would instead designate all storage and manufacturing uses involving CalARP-regulated materials in industrial zones as prohibited uses. Additionally, as noted above, the proposed ordinance would go further by attaching the aforementioned prohibited use designation even where materials listed in the CalARP regulations are present in an amount that is below the "threshold quantity" established in the CalARP regulations.

The list of regulated substances contained in the CalARP regulations is attached hereto as Exhibit 5. The fourth column of the list identifies the "threshold quantity" for each substance; the CalARP regulations apply above the threshold quantity (thus regulating, but not prohibiting, the safe handling of such substances), but do not apply below the threshold quantity. Therefore, a listed substance is not technically a CalARP-regulated substance unless present above a threshold quantity.

The proposed ordinance, however, would attach the prohibited use designation to industrial storage and manufacturing uses (both where the listed substance is used as part of the manufacturing process and where the manufacturing process results in a listed substance as the final product), involving the listed substances *even where present below the threshold quantity*. These substances are defined for purposes of the proposed ordinance and this report as "Regulated Substances."

The requestor has indicated they are agreeable to the proposed ordinance because they do not store or manufacture Regulated Substances, but that the proposed ordinance may affect a significant number of businesses in the City, because Regulated Substances are frequently used in industrial manufacturing processes and activities.

i. *Effect; Nonconforming Uses*

It is important to note that the proposed ordinance would not only prohibit new businesses that store or manufacture Regulated Substances from commencing land uses in the City's industrial zones, but it would also render lawfully-established, existing uses involving Regulated Substances in such zones legal, nonconforming uses. Given that the proposed ordinance would prohibit uses involving such substances regardless of quantity, the proposed ordinance, if adopted without modification, could render a significant number of existing industrial uses in the City legal, nonconforming uses. While the CMC does not require City to notify property owners of nonconforming use status, the City may want to consider providing notice nonetheless.

The CMC contains provisions applicable to nonconforming uses, including Section 9172.25 and Sections 9182.01 - 9182.45, inclusive. These regulations generally: (1) prohibit change of use, expansion, addition, alteration, improvement, relocation on the same site or other changes in

connection with a development or use which involves a nonconformity, unless certain limited criteria are met as determined by the Director (CMC §9182.02); and (2) require the nonconforming use to be terminated or made conforming within a specified period of time, which is designed to be sufficient for the reasonable amortization of the property owner's/business' fixed investment in the nonconformity (CMC §9182.22, 9182.42).

Accordingly, the amortization period specified in the CMC will generally be longer where the investment in the nonconformity that will need to be eliminated is greater. Where the use can be made conforming without a capital expenditure or capital loss, the use is required to be made conforming within one (1) year of the date of nonconformance. The CMC also provides a procedure whereby a business or property owner may apply for extension of the date for a termination of a nonconformity (CMC §9172.25), and in some limited circumstances likely inapplicable here provides that the nonconformity may continue indefinitely (see CMC §9182.1, "Site Nonconformity").

C. Considerations for Mitigating Effects on Lawfully-Existing Businesses

Mindful of the foregoing concerns, the Planning Commission, as part of its recommendation, included a "note" to the City Council, recommending that the City Council carefully consider the effects of the proposed ordinance on lawfully-established existing businesses in the City and possible ways to mitigate or alleviate any adverse impacts thereof on such businesses prior to or in connection with adoption of the proposed ordinance.

The primary means of addressing these concerns would be to reduce the scope of the proposed ordinance so as to reduce the number of businesses that would potentially be rendered legal nonconforming. This could be achieved by incorporating the "threshold quantity" concept into the proposed ordinance, thus potentially providing that industrial storage or manufacturing uses involving CalARP Regulated Substances (i.e., above the threshold quantity) be prohibited uses, whereas uses involving CalARP-listed substances below a threshold quantity be, for example, subject to issuance of a CUP. Because this potential modification was considered by the Commission, the City Council could move forward with adopting the proposed ordinance with this modification without referring the matter back to the Commission for report and recommendation.

Alternatively, the City Council could consider other ways of limiting the scope of the proposed ordinance, such as only prohibiting industrial storage or manufacturing uses involving Regulated Substances within a certain distance of specified sensitive uses such as residential uses, schools, parks, and churches. This modification would likely require referring the matter back to the Commission for report and recommendation (within 40 days or such longer period as may be designated by the City Council, although a public hearing by the Commission would not be required).

Another option the City Council may consider to mitigate the effects of legal nonconforming status to existing businesses resulting from adoption of the ordinance is to define a minimum area of building/land usage before a business is deemed to be nonconforming. For example, perhaps the CMC regulations that govern nonconformities could be amended to say that if more than 50% of the area is devoted to storage of Regulated Substances, that will be deemed nonconforming use, and any use less than that will not render the existing use nonconforming. Another option could be to simply amend the CMC to say that prohibition of Regulated Substances will be exempt from the City's nonconformities regulations, or perhaps allow the nonconforming use while imposing certain regulations such as compliance with CUP requirements.

The above are just a few examples of the many different ways the City Council could consider modifying the proposed ordinance. The City Council also has the discretion to disapprove the Commission's recommendation and not move forward with any ordinance amendment pursuant to the request.

V. FISCAL IMPACT

No direct/immediate impact. The proposed ordinance would preclude new industrial businesses that

rely on use of Regulated Substances from commencing land uses in the City moving forward, and would render existing land uses involving same as legal nonconforming uses. The restrictions could result in loss of tax revenue that would otherwise accrue to City from the presence/operation of such businesses, but the net effect, considering businesses that may replace such uses, is unknown at this time. Additionally, the proposed ordinance would add to the list of automatically permitted and Director-permitted storage uses in industrial zones, which could potentially have a positive event on economic development and tax revenues (including business license fees) received by the City.

VI. EXHIBITS

1. Proposed Ordinance No. 21-2113 (pgs. 8-40).
2. Planning Commission Resolution No. 21-2707 (pgs.41-45).
3. Planning Commission Minutes, April 13, 2021 (pgs. 46-48).
4. Text Amendment Request and Response Letter (pgs. 49-65).
5. List of Regulated Substances (pgs.66-85).

Prepared by: Saied Naaseh, Community Development Director; City Attorney's Office

ORDINANCE NO. 21 - 2113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES

WHEREAS, the California Constitution, in Article XI, Section 7, grants local governments the authority under their police powers to regulate land use; and

WHEREAS, Section 9141.1 of the Carson Zoning Ordinance sets forth certain permitted uses in the City of Carson's industrial land use zones, including those concerning storage and manufacturing allowances involving both hazardous and nonhazardous materials in both the M-H (Manufacturing-Heavy) and M-L (Manufacturing-Light) Zones; and

WHEREAS, Regulated Substances, as that term is used herein, means and refers to the substances that constitute "regulated substances" pursuant to the California Accidental Release Prevention ("CalARP") program, established and existing pursuant to Article 2 (Sections 25531 to 25543.3) of Chapter 6.95 of Division 20 of the California Health & Safety Code and the regulations set forth in Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, as such substances are defined in California Health & Safety Code Section 25532 and listed in Table 3 of Section 2770.5 of Title 19 of the California Code of Regulations ("Table 3") and described and listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)), when present or existing in any quantity and irrespective of the threshold quantities set forth in Table 3 or elsewhere in the CalARP program, and generally includes all types of hazardous, toxic, flammable and/or combustible substances that if accidentally released can pose a risk to public health and safety; and

WHEREAS, in furtherance of its police power and to protect and promote the public health, safety and welfare of the City's residents and visitors, the City Council sees fit to modify Section 9141.1 to provide that land uses involving Regulated Substances in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones are prohibited, irrespective of whether the use involves only storage of Regulated Substances, storage of Regulated Substances in connection with any manufacturing process, or manufacturing involving Regulated Substances; and

WHEREAS, the City Council sees fit to expand the list of non-Regulated Substances, otherwise referred to as nonhazardous substances, which are automatically permitted uses for indoor storage in the M-H and M-L Zones, and to provide that outdoor storage of such non-Regulated Substances is permitted subject to Director approval to ensure that such uses will not have adverse aesthetic effects constituting or resembling public nuisance conditions related to the

accumulation of trash, litter, refuse, rubbish, junk, debris, or waste materials (see, e.g., Carson Municipal Code §4124, §§5300 *et seq.*, §5702); and

WHEREAS, the City Council further sees fit to remove from the legend utilized as part of Section 9141.1 the reference to all permitted commercial uses being subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses, and relocate such reference within Section 9141.1 so that it is below the legend, as it is apparent that inclusion of such reference in its current location in the legend was inadvertent and erroneous, and such inadvertence/error could create confusion regarding implementation of prohibited use designations because the “blank” permitted use designation in the legend is properly reserved for, and is and was always reserved and intended to be reserved for, prohibited uses, consistent with the permissive nature of the Carson Zoning Ordinance.

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

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. CEQA. The City Council has determined that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

SECTION 3. AMENDMENT. Section 9141.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read in its entirety as follows (deletions shown in ~~strike through~~, additions shown in **bold, italics, underlined**):

“9141.1 Uses Permitted

Uses are permitted in the industrial zones as indicated in the following table:

USES PERMITTED IN INDUSTRIAL ZONES	
Legend	
X.	Automatically permitted use.

USES PERMITTED IN INDUSTRIAL ZONES	
L.	Automatically permitted use provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 3.
D.	Use permitted subject to the approval of the Director.
LD.	Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of Part 2, and subject to the approval of the Director.
C.	Use permitted upon approval of a conditional use permit.
CC.	Use permitted upon approval of the City Council as prescribed under other provisions of the Carson Municipal Code.
	<i>Use prohibited.</i> All commercial uses permitted by this part shall be subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses. (See CMC 9131.1.) (Ord. 84-704)
DA.	Use permitted upon approval of a development agreement by the City Council subject to the requirements contained in Chapter 15 of Article VI.

Note: All commercial uses permitted by this part shall be subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses. (See CMC 9131.1.) (Ord. 84-704).

Note: In the following list, industrial activities are classified by product, by materials used, by use, and by processes employed. Since many industrial uses are complex in nature, it is necessary to consider all of the above-mentioned elements in classifying any specific industrial use. Uncertainties as to the proper classification for a specific use are to be resolved through Interpretations adopted in accordance with CMC 9172.24.

	ZONES
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	ML	MH
Manufacturing of the Following Products:*		
*Food manufacturing and processing activities are listed under a separate heading.		
Pharmaceuticals – drugs, medicines, vitamin tablets.	X	X
Perfume, cosmetics, toiletries (except soap).	X	X
Soap, bleaching powder, glue.		C
Novelties, buttons, brushes, toys, candles.	X	X
Ceramics, pottery, statuary.	X	X
Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type.	X	X
Electric and gas fixtures, electric appliances, electric motors and generators, batteries (including rebuilding), signs (electric, neon, billboards, etc.).	X	X
Furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian	X	X

	ZONES	
	ML	MH
blinds, window shades.		
Clothing, dry goods, draperies, bedding, rugs, upholstery, automobile seat covers, awnings, bags, rope, baskets.	X	X
Chamois.		C
Ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol.	X	X
Lacquer, synthetic enamel, polyurethane.	C	C
Engines (no foundry).	X	X
Engines (with foundry).	C	C
Automobiles, trailers, boats, aircraft, heavy equipment.		X
Tile (indoor kiln).	X	X
Concrete block, brick, tile (outdoor kiln).		C
Poisons (Class A and Class B)* – pesticides, rodenticides, insecticides, herbicides.		C
*Classification according to the Los Angeles County Fire Department (R.M. Graziano's Tariff No. 25).		
Explosives – fireworks, dynamite, ammunition, weapons involving use or testing with explosive materials.		C

	ZONES	
	ML	MH
<u>Regulated Substances.</u>		
Manufacturing of Products from the Following Materials:		
Textiles, wool, yarn, fur, felt, canvas, leather, hair, feathers, paper, cloth.	X	X
Bone, horn, shells, cellophane, casein (except glue).	X	X
Wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin).	X	X
Hydrocyanic acid, tar, coal tar, pyroxyline plastic, guncotton.		C
Aluminum, sheet metal, ornamental iron, steel.	X	X
Rubber (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed).	L	X
Petroleum.		C
<u>Any Regulated Substance.</u>		

	ZONES	
	ML	MH
Manufacturing of the Following Materials:		
Dextrin.	X	X
Cloth, textiles, upholstery, felt, canvas.	X	X
Wallboard, fiberglass, glass (no blast furnace).	X	X
Glass (with blast furnace).		C
Polyurethane foam.	C	C
Cellophane, celluloid, cellulose.		C
Steel.		C
Gas acetylene, chlorine, ammonia, synthetic ammonia.		C
Acid, caustic soda, soda ash, lye, lime.		C
Gelatin, grease, tallow.		C
Cement, gypsum, terra cotta.		C
Kalsomine, lamp black, size, phenol, potash, pyroxylin plastic.		C
Petroleum, petroleum cleaning compound, asphalt, tar, coal tar, creosote.		C
Organic peroxide.		C
Fertilizer.		C

	ZONES	
	ML	MH
Explosives – nitroglycerine, nitromethane, nitroethane, cellulose nitrate, gunpowder, blasting powder.		C
<u>Regulated Substances.</u>		
Industrial Activities Involving the Following Processes:		
Sewing, weaving and knitting of textiles, dyeing of yarn and fabrics.	X	X
Cleaning of fabrics, curtains, carpets.	X	X
Mattress renovation.	X	X
Wool pulling.		C
Photo-finishing, film developing and processing, photoengraving, lithography, block printing, silk screening, printing, book binding.	X	X
Glass silvering, optical grinding, fitting and mounting; glass blowing (no blast furnace).	X	X
Furniture redecorating and restoration, antique restoration, cabinet making, wood carving.	X	X
Plastic molding (including hydraulic press).	X	X

	ZONES	
	ML	MH
Tire retreading and recapping.	X	X
Raw rubber processing (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed).	L	X
Rubber reclaiming.		C
Metal plating and finishing (in ML Zone, no perchloric acid).	L	X
Metal engraving, metal fabrication (no snap riveting) metal spinning, tool tempering, welding.	X	X
Foundry (no brass or bronze) – precision investment casting, die casting.	X	X
Foundry (including brass or bronze) forging, drop forge, drop hammer, boiler works, smelter, blast furnace, coke oven, scrap metal processing, metal fabrication (including snap riveting).		C
Vehicle dismantling or wrecking, junk and salvage processing, subject to the requirements of CMC 9148.1.		C
Aircraft power plant testing.		X
Ore grinding and		C

	ZONES	
	ML	MH
reduction.		
Paper shredding.		C
Grinding, dressing or cutting of stone, granite or marble; sand washing.	X	X
Aggregate batch plant, aggregate dryer, rock or asphalt crushing, asphalt plant, sandblasting. (In ML Zone, only permitted on property which also has an ORL Zone designation, and must be at least 1,000 feet, as measured from lot line to lot line, from any residential zone, and any conditional use permit shall be subject to final approval or other action by the City Council.)	C	C
Starch mixing and bottling, paint spray booth, shellac mixing (no cooking), paint or enamel mixing (except lacquer, synthetic enamel, polyurethane).	X	X
Mixing of lacquers, synthetic enamel, polyurethane paint.	C	C
Shellac mixing (with cooking).		C
Processing of coconut oil, cottonseed oil, linseed oil.		C
Oil canning and packaging (in ML Zone, not more than 100 barrels stored	L	X

	ZONES	
	ML	MH
aboveground).		
Petroleum refining, oil reclaiming, coal or coal tar distillation.		C
Potash refining.		C
Bone distillation, fat rendering, offal reduction, curing or tanning of furs or hides, processing of animal by-products.		C
Creosoting.		C
Fertilizer works, manure spreading and drying.		C
Use of organic peroxides,* nitromethane, nitroethane.		C
*Having a severity classification of 3 or greater according to tests prescribed by the Society of the Plastics Industry and acceptable to the Los Angeles County Fire Department.		
Water treatment.	X	X
<u><i>Any process involving use of Regulated Substances.</i></u>		
Resource Extraction:		
Borrow pit.	C	C
Oil fields, oil wells, subject to the requirements of CMC <u>9500 – 9537</u> , Oil and Gas Code.	C*	C*
*Development agreement provisions		

	ZONES	
	ML	MH
apply as specified in CMC <u>9502</u> and <u>9508</u> .		
Food Manufacturing and Processing:		
Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, nuts and similar food products (no lard, pickles, sauerkraut, or vinegar).	X	X
Lard, pickles, sauerkraut, vinegar.		C
Box lunch preparation.	X	X
Fruits and vegetables – packing, canning, processing or extracting or bottling of juices (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Fish barbecuing or smoking (oven less than 10 cubic feet, no fish cleaning, retail sales only).	L	L
Dressing of poultry or rabbits (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).		L
Slaughtering of animals.		C

	ZONES	
	ML	MH
Meat, fish, dog or cat food – packing, canning, processing.		C
Coffee roasting.		C
Cigars, cigarettes.	X	X
Chewing tobacco.		C
Service and Repair:		
Linen, towel or uniform supply.	X	X
Assaying, gas heater testing, pest control, cesspool cleaning service, plumbing contractor, roofing contractor, tree surgeon.	X	X
Carpenter shop, machine shop, metal working shop, sheet metal shop, tinsmith, gunsmith (no weapons manufacture involving use or testing with explosive materials), blacksmith, lapidary shop, electrical motor and appliance repair.	X	X
Boat repair, vehicle repair (no limit on size of vehicle), equipment and machinery repair, subject to the limitations of CMC <u>9138.2</u> if within 300 feet of other than an industrial zone.	L	L
Laboratory – product testing, product research.	X	X
Laboratory – chemical,	C	C

	ZONES	
	ML	MH
biological, anatomical.		
Equipment Sale and Rental:		
Motor vehicles and heavy equipment of all types and sizes, contractor's equipment, agricultural equipment.	X	X
Auction:		
Auction – indoor or outdoor (no swap meet or flea market).	C	C
Wholesale:		
Wholesale activities of all types (except livestock and poultry).	X	X
Poultry (in ML Zone, all activities within an enclosed building).	L	X
Storage:		
Cold storage plant.	X	X
Petroleum coke.		C
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (indoor).</u>	<u>X</u>	<u>X</u>
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Perfume, cosmetics, shampoo, soap, toiletries, and other personal care products (indoor).</u>	<u>X</u>	<u>X</u>
<u>Perfume, cosmetics,</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>shampoo, soap, toiletries, and other personal care products (outdoor).</u>		
<u>Novelties, buttons, brushes, toys, candles (indoor).</u>	<u>X</u>	<u>X</u>
<u>Novelties, buttons, brushes, toys, candles (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ceramics, pottery, statuary (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ceramics, pottery, statuary (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type (indoor).</u>	<u>X</u>	<u>X</u>
<u>Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire,</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>springs, tools, sandpaper, emery cloth, grinding wheels, printer's type (outdoor).</u>		
<u>Electric and gas fixtures, electric appliances, electric motors and generators, batteries, signs (electric, neon, billboards, etc.) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Electric and gas fixtures, electric appliances, electric motors and generators, batteries, signs (electric, neon, billboards, etc.) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Mattresses, bedsprings, coffins, fences, sash and doors, venetian blinds, window shades (indoor).</u>	<u>X</u>	<u>X</u>
<u>Mattresses, bedsprings, coffins, fences, sash and doors, venetian blinds, window shades (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Draperies, bedding, rugs, automobile seat covers, awnings, bags, rope, baskets (indoor).</u>	<u>X</u>	<u>X</u>
<u>Draperies, bedding, rugs, automobile seat covers, awnings, bags, rope, baskets (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ink, polish, putty, enamel (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ink, polish, putty, enamel (outdoor).</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>Engines (no foundry) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Engines (no foundry) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Automobiles, trailers, boats, aircraft, heavy equipment (indoor).</u>	<u>X</u>	<u>X</u>
<u>Automobiles, trailers, boats, aircraft, heavy equipment (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tile (indoor kiln).</u>	<u>X</u>	<u>X</u>
<u>Tile (outdoor kiln).</u>	<u>D</u>	<u>D</u>
<u>Bone, horn, shells, cellophane, casein (except glue) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Bone, horn, shells, cellophane, casein (except glue) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Wood, cork, clay, plastic (indoor).</u>	<u>X</u>	<u>X</u>
<u>Wood, cork, clay, plastic (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Aluminum, sheet metal, ornamental iron, steel (indoor).</u>	<u>X</u>	<u>X</u>
<u>Aluminum, sheet metal, ornamental iron, steel (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Rubber (natural or synthetic) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Rubber (natural or synthetic) (outdoor).</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>Dextrin (indoor).</u>	<u>X</u>	<u>X</u>
<u>Dextrin (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cloth, upholstery, felt, canvas, fur, leather, hair, feathers (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cloth, upholstery, felt, canvas, fur, leather, hair, feathers (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Wallboard, fiberglass, glass (indoor).</u>	<u>X</u>	<u>X</u>
<u>Wallboard, fiberglass, glass (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Yarn, fabrics, curtains, carpets, wool (indoor).</u>	<u>X</u>	<u>X</u>
<u>Yarn, fabrics, curtains, carpets, wool (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Photography-related materials (indoor).</u>	<u>X</u>	<u>X</u>
<u>Photography-related materials (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tires (indoor).</u>	<u>X</u>	<u>X</u>
<u>Tires (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Stone, granite, marble (indoor).</u>	<u>X</u>	<u>X</u>
<u>Stone, granite, marble (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, food additives and</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>preservatives, nuts and similar food products (indoor).</u>		
<u>Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, food additives and preservatives, nuts and similar food products (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cigars, cigarettes (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cigars, cigarettes (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tints, paints, epoxies, resins, sealants (indoor).</u>	<u>X</u>	<u>X</u>
<u>Tints, paints, epoxies, resins, sealants (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Animal feed, grain (indoor).</u>	<u>X</u>	<u>X</u>
<u>Animal feed, grain (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Paper, industrial use paper (indoor).</u>	<u>X</u>	<u>X</u>
<u>Paper, industrial use paper (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cotton (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cotton (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Small electrical parts (indoor).</u>	<u>X</u>	<u>X</u>
<u>Small electrical parts (outdoor).</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
Warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods.	X	X
Glass, lumber (no boxes or crates), naval stores, plaster, empty barrels, metal (no scrap), machinery, equipment.	X	X
Polyurethane foam.	C	C
Rock, sand, crushed aggregate and gravel:		
Not more than 2,000 tons.	X	X
More than 2,000 tons. (In ML Zone, only permitted on property which also has an ORL Zone designation and must be at least 1,000 feet, as measured from lot line to lot line, from any residential zone, and any conditional use permit shall be subject to approval or other action by the City Council.)	C	X
Clay and clay products.	X	X
Cement silo, grain elevator.		X
Petroleum and petroleum products (If associated with oil and gas production and related facilities, refer to CMC 9500 – 9537, Oil and Gas Code, for governing requirements):		

	ZONES	
	ML	MH
Not more than 2,500 barrels.	X	X
More than 2,500 barrels.		C
Cargo container (prohibited within 1,000 feet, as measured from lot line to lot line, of residentially zoned property or institutional uses).		L
Natural gas (If associated with oil and gas production and related facilities, refer to CMC <u>9500</u> – 9537, Oil and Gas Code, for governing requirements):		
Belowground – any amount.	X	X
Aboveground:		
Not more than 500,000 cubic feet.	X	X
More than 500,000 cubic feet.	C	
Oxygen, acetylene (subject to Fire Code requirements).	X	X
Agricultural chemicals (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Liquid petroleum gas (If associated with oil and gas production and related		

	ZONES	
	ML	MH
facilities, refer to CMC 9500 – 9537, Oil and Gas Code, for governing requirements):		
Not more than 30,000 gallons.	X	X
More than 30,000 gallons		C
Fuel yard (not covered elsewhere, including propane).	X	X
Aircraft fuel and lubricant.		C
Explosives – dynamite (over 100 pounds), nitroglycerine, nitromethane, nitroethane, cellulose nitrate, gun powder, blasting powder.		C
Creosote, creosoted poles.		C
Fertilizer.		C
Junk, salvage, metal scrap, rags, bottles, nonferrous scrap (other than paper), subject to the requirements of CMC 9148.1.		C
Waste paper, subject to the requirements of CMC 9148.1.	C	C
<u>Regulated Substances.</u>		
Poison (Class A or Class B)* – pesticides, rodenticides, insecticides, herbicides.		C

	ZONES	
	ML	MH
*Classification according to Los Angeles County Fire Department. (R.M. Graziano's Tariff No. 25).		
Organic peroxides** – (more than 50 pounds).		C
**Having a severity classification of 3 or greater according to tests prescribed by the Society of the Plastics Industry and acceptable to the Los Angeles County Fire Department.		
Motor vehicles (not including impounding yard).	X	X
Vehicle impounding yard, subject to the requirements of CMC 9148.1.		C
Aircraft.		X
Transportation, Communications, Utilities and Public Service:		
Service yard – public utility or public service.	X	X
Jail farm, honor farm.	C	C
Aircraft beacons and navigational aids – operating.	X	X
Blimp port, heliport, helistop.	C	C
Railroad yard, repair shop, roundhouse.		C

	ZONES	
	ML	MH
Truck terminal, subject to the requirements of CMC <u>9148.9</u> .	C	C
Truck yard, subject to the requirements of CMC <u>9148.9</u> .		C
Transfer station for refuse, sewage treatment plant.		C
Access to other property lawfully used for purposes not permitted on subject property.	X	X
Intermodal container transfer facility.		C
Education:		
Trade school.	X	X
Recreation:		
Arcade (subject to the requirements of CMC <u>9138.4</u>).	C	C
Archery range.	C	C
Outdoor drive-in theater.	C	C
Range for pistol, rifle, skeet, or trap shooting; turkey shoot.		C
Model airplane area (motor-driven or jet-propelled).		C
Fairgrounds, outdoor festival (permanent).	C	C
Race track – horse, automobile, motorcycle.		C
Zoo.		C

	ZONES	
	ML	MH
Agriculture:		
Earthworm farm (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Mushroom farm (must be at least 300 feet from any residential zone, public school, public park, hospital or long-term health facility).		L
Egg candling.	X	X
Studios:		
Motion picture studio or set – indoor or outdoor.	X	X
Cemetery:		
Cemetery, mausoleum, columbarium, crematory.		C
Animal Services:		
Horse stable, riding academy – commercial or private (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	C	C
Animal shelter, pound, kennel, training school.	C	C
Animal hospital, animal research institute.	X	X
Pet cemetery.		C

	ZONES	
	ML	MH
Electronic message center signs. (See CMC <u>9146.7.</u>)	C	C
Outdoor Advertising:		
Outdoor advertising sign, including electronic digital displays, subject to the requirements of CMC <u>9146.7.</u>	CC	CC
Recycling Facilities:		
Large collection recycling facility. (Subject to CMC <u>9148.4.</u>)	L	L
Processing facility for recyclables, light. (Subject to CMC <u>9148.5.</u>)	L	L
Processing facility for recyclables, heavy. (Subject to CMC <u>9148.5.</u>)		C
Wireless Telecommunications Facilities (see CMC <u>9138.16</u>):		
Minor wireless telecommunications facilities, subject to the requirement of CMC <u>9138.16.</u>	L	L
Major wireless telecommunications facilities, subject to the requirement of CMC <u>9138.16.</u>	C	C
Uses Permitted in Commercial Zones:		
Any principal use permitted in any		

	ZONES	
	ML	MH
commercial zone, whether automatically (X), with limitation (L), or by conditional use permit (C), is automatically permitted in the industrial zones, subject to the same requirements specified for such use in the commercial zones, except the following:		
Residential:		
Mobile home park.	Not permitted	
Group quarters for members of a religious order.	Not permitted	
Community residential care facility, boarding or rooming house, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens.	Not permitted	
Emergency shelters, up to 30 occupants within the City.	L	L
Emergency shelters, more than 30 occupants within the City.	C	C
Transitional housing, supportive housing and single-room occupancy (SRO) housing.	Not permitted	
Transportation related uses:		
Shared parking facilities.	C	C

	ZONES	
	ML	MH
Health services:		
Hospital, long-term health care facility, public health center.	C	
Ambulance service.	C	C
Public and quasi-public uses:		
Archaeological dig, provided the Director determines there is a reasonable prospect that significant scientific, cultural, or historical information will be obtained from the site.	D	D
Education:		
Elementary or secondary school public or private.	Not permitted	
Recreation:		
Golf driving range, pitch-and-putt course, golf course, subject to the limitations of CMC <u>9138.3</u> .	L	L
Arcade, subject to the requirements of CMC <u>9138.4</u> .	C	C
Retail services and offices:		
Adult business.	Not permitted	
Convenience stores.	C	C
Payday loans.	CUP	CUP
Massage service.	Not permitted	

	ZONES	
	ML	MH
Tattoo service. (New uses not permitted. Existing uses prior to June 7, 2006, required a CUP and are subject to CMC <u>9138.92.</u>)	L	Not permitted
Alcoholic beverage sales and services:		
Alcoholic beverage sales in conjunction with variety store, drugstore, mini market, drive-through market, food store, or grocery store excluding a supermarket, take-out food, liquor store, subject to requirements of CMC <u>9138.5.</u>	C	C
Alcoholic beverage sales and services in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club and eating establishment other than a bona fide restaurant, subject to requirements of CMC <u>9138.5.</u>	C	C
Vehicles sales and service:		
Automobile service station, subject to the requirements of CMC <u>9138.14.</u>	C	C
Automobile/vehicle washing, subject to the requirements of CMC <u>9138.14.</u>	C	C

	ZONES	
	ML	MH
Automobile/vehicle service and repair, subject to the limitations of CMC 9138.14.	C	C
Auctions for used automobiles, recreational vehicles, travel trailers, trucks or trailers, not over 2-ton capacity, motorcycles or motorscooters, subject to the requirements of CMC 9138.21.	C	C
Temporary Uses:		
Election campaign office in a trailer. (Not permitted earlier than 90 days before the election. To be removed within 14 days after the election.)	L	L
Office or other permitted commercial use in a trailer or other mobile unit. (Permitted for a period not exceeding 6 months during construction of a building on the same lot while a building permit is in effect. The Director may approve reasonable time extensions if he finds construction is proceeding in good faith.)	L	L
Storage of construction materials and equipment at a construction site without the screening which would be required for permanent outdoor	L	L

	ZONES	
	ML	MH
storage (only during the period a building permit is in effect).		
Subdivision directional sign. (See CMC <u>9128.31</u> – <u>9128.35</u> .)	LD	LD
Fireworks stand, fireworks storage. (See CMC <u>3101.0</u> – <u>3101.10</u> .)	CC	CC
Tent revival. (See Chapter 6 of Article III.)	CC	CC
Carnival, mechanical rides, pony rides, outdoor festival and similar uses. (See CMC <u>63119</u> and <u>63119.1</u> .)	CC	CC
Circus, rodeo. (See CMC <u>63120</u> ; and Animal Control Ordinance, CMC <u>3300</u> – <u>3301</u> .)	CC	CC
Sidewalk, parking lot, and tent sales. (See CMC <u>9148.7</u> .)	D	D
Yard sales. (See CMC <u>4600</u> – <u>4606</u> .)	L	L
Uses Permitted in Manufacturing Zones:		
Auction house.	C	C
Indoor mini-mart.	Not permitted	
Commercial Cannabis (See Chapter 15 of Article VI)	DA	DA

“Regulated Substances,” as used in this section, means and refers to the substances that constitute “regulated substances” pursuant to the California Accidental Release Prevention (“CalARP”) program, established and existing pursuant to Article 2 (Sections 25531 to 25543.3) of Chapter 6.95 of Division 20 of the California Health & Safety Code and the regulations set forth in Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, as such substances are defined in California Health & Safety Code Section 25532 and listed in Table 3 of Section 2770.5 of Title 19 of the California Code of Regulations (“Table 3”) and described and listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)), as such may be amended, when present or existing in a given location in any quantity and irrespective of any threshold quantity set forth in Table 3 or elsewhere in the CalARP program.

“Threshold quantity,” as used in this section, shall have the meaning set forth in California Health & Safety Code Section 25532(p), and as may be amended.

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I.”

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this
_____ day of _____, 2021.

Lula Davis-Holmes, Mayor

ATTEST:

Joy Simarago, Deputy City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-2707

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT "ORDINANCE NO. 21-2113, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES" (ZONE TEXT AMENDMENT NO. 187-2021)

WHEREAS, pursuant to a letter dated February 21, 2020 and a response letter dated March 20, 2021 (copies of which are attached to the staff report submitted herewith and incorporated herein by reference), City received a request from John P. Kinsey, Esq., on behalf of Inland Star Distribution Centers, Inc., pursuant to Carson Municipal Code ("CMC") Section 9172.11(A), for a text amendment to CMC Section 9141.1, a part of the Carson Zoning Ordinance (Chapter 1 of Article IX of the CMC), regarding the permitted uses for storage of materials in the City's industrial zones (the "Request"); and

WHEREAS, on April 13, 2021, the Planning Commission held a duly noticed public hearing as required by law to consider the Request.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and incorporates them herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The Planning Commission has considered the Request in accordance with CMC Section 9172.11(A). The request seeks an update and clarification to CMC Section 9141.1 with respect to the permissible uses for storage of particular materials in the City's industrial zones, which are the Manufacturing-Heavy ("M-H") and Manufacturing-Light ("M-L") zones. More specifically, Request states that "[t]here are any number of ways the City would amend the text of Section 9141.1 to provide clarity to the regulated public. However, the simplest way to strike a balance between achieving the City's objectives of promoting health, safety and welfare and allowing storage facilities sufficient flexibility to engage in standard business practices would

be to modify Section 9141.1 to allow storage facilities as a “by right” land use so long as CalARP-regulated materials are not stored onsite. If any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit. [¶] Alternatively, the City could specifically authorize the storage of materials that are typically used in the manufacturing process for other industrial ‘by right’ uses.”

- b) There are several categories of nonhazardous materials that, under the existing CMC §9141.1, are listed as automatically permitted for manufacturing uses in the industrial zones, but that are not listed for storage uses in the industrial zones. The City’s zoning ordinance provides that all uses not expressly permitted are prohibited (CMC §9141.3). Accordingly, storage of these categories of materials is currently prohibited in the City’s industrial zones, notwithstanding that such uses do not present any danger to the public arising from the nature of the materials stored, and notwithstanding that manufacturing uses involving such materials necessarily must involve storage of the materials for at least some period of time. Accordingly, the Commission finds that insofar as the Request seeks amendment of the CMC to expand the list of permissible industrial storage uses in CMC §9141.1 to encompass the aforementioned categories of nonhazardous materials, the requested change is advisable as an improvement to the Zoning Ordinance and would benefit the overall public health, safety and welfare of the City, subject to addition of a caveat limiting the new automatically permitted storage uses to indoor storage only, with outdoor storage subject to Director approval to avoid potential adverse aesthetic impacts and public nuisance conditions. However, to the extent the Request goes further and seeks amendment to CMC §9141.1 to provide that all storage of *any and all* non-CalARP-regulated materials is an automatically permitted use in the industrial zones, the requested changes are not recommended by the Commission, because there could be some categories of materials that if permitted for storage in industrial zones without City regulatory oversight could have adverse impacts on the public health, safety or welfare, and such category is too broad to justify relinquishment of City regulatory control without risking adverse consequences to public health, safety or welfare resulting therefrom.
- c) With respect to the portion of the Request that suggests, “[i]f any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit,” such changes are not recommended by the Commission. Few if any CalARP-regulated materials are currently encompassed by the categories of permissible uses listed in CMC §9141.1. Where categories potentially encompassing such materials are listed, they are generally prohibited uses in M-L zones and may be permitted subject to a CUP in M-H zones, but the vast majority of the universe of CalARP-regulated materials is not listed or encompassed at all, meaning industrial uses involving such materials are prohibited uses. Providing that all industrial storage uses involving CalARP-regulated materials are permissible uses subject to approval of a conditional use permit would represent a significant loosening of the City’s existing land use restrictions, and one that is not justified when considering the potential adverse impacts of such action on public health and safety. CalARP-regulated materials are designated as such by state law because they have hazardous qualities such as being toxic, combustible, corrosive and/or flammable, and are potentially harmful to human health if accidentally released. The Commission considers protection of public health and safety its paramount concern, and therefore has a strong interest in minimizing the presence of these materials in the community to

ensure the protection of public health and safety. Accordingly, the Commission does not and will not recommend any change to the CMC that loosens the City's existing land use restrictions pertaining to CalARP-regulated materials. Instead, the Commission recommends strengthening these restrictions to provide that all industrial uses involving substances listed in the relevant provisions of the CalARP-regulations, irrespective of quantity, as detailed in the definition of "Regulated Substances" set forth in the proposed ordinance attached hereto as Exhibit "A" ("Zone Text Amendment No. 187-2021"), are prohibited uses. This recommendation constitutes only an incremental change in the City's existing land use regulations, applying only to the extent any uses involving Regulated Substances are currently considered permissible uses subject to a conditional use permit in M-H zones as described above, and would serve to better protect the City's residents and guests from the dangers caused by Regulated Substances. Lawfully-established existing uses involving Regulated Substances in the City would be made legal, nonconforming uses, subject to applicable provisions of Part 8 of the Zoning Ordinance.

- d) Zone Text Amendment No. 187-2021 would amend the Zoning Ordinance in a manner that deviates from that suggested by the Request and as necessary to effectuate the Commission's findings and recommendations described above. Zone Text Amendment No. 187-2021 represents a blend of changes to CMC Section 9141.1 that implement components of the Request, insofar as the same are recommended by the Commission and in the best interest of the public health, safety and welfare, together with different or additional changes that are related to the issues raised by the Request but which the Commission has determined would better serve the public health, safety and welfare pertaining to such issues. Zone Text Amendment No. 187-2021 is consistent with the General Plan of the City and all applicable specific plans, and is recommended as a necessary update to and clarification of CMC Section 9141.1, as well as a means of strengthening protection of public health and safety and promoting the overall public welfare by making the City's industrial land use regulations more logical and practical so as to facilitate the ability of manufacturing and storage businesses in the City to legally engage in safe, standard business activities without facing unnecessary land use restrictions or prohibitions.

SECTION 3. The Planning Commission finds that adoption of this Ordinance does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" from CEQA's definition of "project." Furthermore, even if the proposed zone text amendment were a "project," it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommends that the City Council approve Zone Text Amendment No. 187-2021, which is attached hereto as Exhibit "A" and incorporated herein by reference. However, in connection with and as part of this recommendation, the Planning Commission, cognizant of the

potential effect of Zone Text Amendment No. 187-2021 on lawfully-established existing businesses involving Regulated Substances in the City (i.e., rendering them legal nonconforming uses), sees fit to and hereby does convey a “note” to the City Council, recommending that the City Council carefully consider those effects and possible ways to mitigate or alleviate any adverse impacts thereof on such businesses prior to or in connection with adoption of Zone Text Amendment No. 187-2021.

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the City’s Zoning Ordinance, unless an appeal is filed in accordance with Section 9173.4 of the City’s Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of the Resolution, and shall transmit it to the City Council.

PASSED, APPROVED and ADOPTED this 13th day of April, 2021.

Charles Thomas (COVID Signature)

CHAIRMAN

ATTEST:

Lucille Sandoval (COVID Signature)

SECRETARY

EXHIBIT "A"

[proposed ordinance – to be attached]



TUESDAY, April 13, 2021
701 East Carson Street, Carson, CA 90745
6:30 p.m., Via Zoom

MINUTES

MEETING OF THE PLANNING COMMISSION

Members: Chair: Charles Thomas Vice Chair: Chris Palmer Louie Diaz
Carlos Guerra Del Huff Jaime Monteclaro
Karimu Rashad Dianne Thomas Vacant
Alternates: Vacant Vacant Vacant
Staff: Planning Manager: Betancourt Assistant City Attorney: Jones

"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Planning Department at 310-952-1761 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

1. CALL TO ORDER

Chairperson Thomas called the meeting to order at 6:38 p.m.

2. ROLL CALL

Commissioners Present: C. Thomas, Palmer, Diaz, Huff, Guerra, D. Thomas

Absent: Rashad (Excused Absence),
Monteclaro *(Entered meeting at 6:44 pm)

Alternates: None

Planning Staff: Betancourt, Jones

3. ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once. *(see below) None.

***DUE TO CORONA VIRUS COVID-19, NO MEMBERS OF THE PUBLIC WILL BE ALLOWED INTO CITY HALL DURING THE PLANNING COMMISSION MEETING. THE MEETING WILL BE CONDUCTED VIA REMOTE TELECONFERENCING USING THE ELECTRONIC "ZOOM" APPLICATION.**

Any members of the public wishing to provide public comment for the items on the agenda may do so as follows:

1. Live via Zoom Application. Members of the public wishing to provide public comment in real-time will be invited to join the Zoom meeting remotely to provide their public comment live with their audio/video presented to the Planning Commission. Members of the public wishing to do so must email planning@carson.ca.us, providing their real name and the phone number they

will use to call in from, no later than 3:00 p.m. on the date of the meeting. For further details/requirements and meeting invite information, please email planning@carson.ca.us no later than 3:00 p.m. on the date of the hearing.

2. Email: You can email comments to Planning@carson.ca.us no later than 3:00 p.m. before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

3. Telephone: You can record your comments at (310) 952-1720 no later than 3:00 p.m. before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

4. Box outside of City Hall: You can provide hand-written comments by dropping off a note at the box located in front of City Hall (701 East Carson Street) no later than 3:00 p.m., on the date of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

NOTE: Members of the public wishing to observe the meeting live without providing public comment will be able to do so by watching it on the City's PEG television channel (Channel 35 on Charter or Channel 99 on AT&T for Carson residents) or via live streaming on the City's website, <http://ci.carson.ca.us/>).

4. CONSENT CALENDAR

- A) Minutes Approval: March 23, 2021
Commissioner Huff (1st) Motion to approve, Commissioner D. Thomas 2nd; Motion passed unanimously.

5. NEW BUSINESS

- A) Zone Text Amendment No. 187-2021

Attorney Ben Jones gave a presentation on the recommendation considering a requested text change and provides recommendation to City Council. Discussion and questions ensued. Commissioner Diaz made a motion to adopt the resolution 21-2707 that recommends that the council adopt the ordinance that was presented and approve Exhibit 1A of the resolution that has from staff report and any recommendations that Attorney Jones may have. Commissioner Dianne Thomas seconds the motion. Chair Thomas makes a friendly amendment to limit storage, interior as automatic right and exterior storage by director approval. Louie accepts that change and Commissioner Dianne Thomas seconds. Friendly amendment is accepted. Chair Thomas makes an additional friendly amendment that the planning commission should consider that the proposed ordinance may have effects on existing businesses in terms of rendering them legal non confirming. The commission requests that the Council consider these potential impacts when considering the proposed ordinance and determine whether additional changes should be made based on those considerations and if they feel that more changes should be made and need to be studied, they can send it back to the commission or if they feel comfortable with doing so amongst themselves they can. Commissioner Diaz makes the first motion to approve the second friendly amendment. Commissioner Dianne Thomas seconds the motion. Motion approved unanimously.

7. MANAGER'S REPORT

The Planning Manager reported that he will be forwarding the notice of scoping meeting for the draft program EIR for the Carson General Plan and will provide the link pertaining to the meeting being held via zoom.

8. COMMISSIONERS ORAL COMMUNICATIONS

Commissioner Thomas has complimented the staff and Attorney Jones. She commended the CEO O' Donald as well on the knowledge he shared. She stated that is important to clean the air in the City of Carson. She also stated that she is proud to be a part of this commission. Commissioner Huff thanked the staff and everyone that participated in this meeting. Commissioner Monteclaro stated that he is encouraged that he heard from Island Star and that they made the changes to the substances that are no longer in their facilities. He is happy that the residents will be protected. He is concerned of the safety of the residents and wants to make sure that there are no businesses that are participating in unsafe habits. Commissioner Palmer wanted to know if there was a budget for trainings. He is interested in Planning Commission trainings and would like to know if the city can make them available for the commissioners as well as funded. Planning Manager Betancourt will follow up. Commissioner Diaz has no report this evening. Chair Thomas is thankful to hear the news that Island star is out of the hazard material storage business and they did it on their own. He thinks that the resolution approved today gives clarity of what can and cannot be done in the city. He would like to second vice chair about the trainings and wanted to leverage the COPA knowledge businesses as well. He would like to have investigation done about the businesses that are operating with hazardous releases.

9. ADJOURNMENT

The meeting was adjourned at 8:36pm.

Charles Thomas- (COVID signature)
Chairman

Attest By:

Lucille Sandoval (COVID Signature)
Secretary



**ALESHIRE &
WYNDER LLP**
ATTORNEYS AT LAW

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AWATTORNEYS.COM

March 20, 2020

VIA ELECTRONIC MAIL

John P. Kinsey
Wanger Jones Helsley PC
265 E. River Park Circle, Suite 310
Fresno, CA 93720
E-Mail: jkinsey@wjhattorneys.com

Re: **Response to Inland Star Distribution Centers, Inc.
Request for Formal Interpretation and/or Text Amendment**

Dear Mr. Kinsey:

I am in receipt of your letter dated February 21, 2020, regarding Inland Star's Request for Formal Interpretation and/or Text Amendment ("Letter"). Please note that although the Letter states it was sent via email and U.S. mail, I did not receive any emailed copy of the Letter. Instead, I only received a mailed copy of the Letter, which my office received on Monday, February 24, 2020.

The Letter requests, on behalf on Inland Star: (1) pursuant to Carson Municipal Code ("CMC") Section 9172.11(A), a text amendment to CMC Section 9141.1; or (2) in the alternative, pursuant to CMC Section 9172.24, an interpretation of CMC Section 9141.1. The Letter also requests a stay of enforcement by the City against Inland Star pending the outcome of the requested text amendment or interpretation process.

Firstly, the City does intend to consider a text amendment to CMC Section 9141.1, and deems that process initiated by your request pursuant to CMC 9172.11(A). As you know, this process calls for the matter to be considered at a Planning Commission hearing within 13 months from receipt of the request. (CMC §9172.11(B)). Inland Star's request (i.e., the Letter) was received on February 24, 2020, so the Commission hearing would, under normal circumstances, need to take place on or before March 24, 2021.

However, as you can certainly imagine, the City is not currently operating under normal circumstances. In December of 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was first identified in Wuhan City, Hubei Province, China. On March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California, and on the same date, the County of Los Angeles declared a health emergency related to COVID-19. On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. On March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19.

01007.0001/637218.2

EXHIBIT NO. 2D

John P. Kinsey
March 20, 2020
Page 2

On March 17, 2020, the City Council declared and proclaimed a state of emergency in the City of Carson in response to COVID-19. In connection with this declared state of emergency, the City (including the Planning Division) is experiencing a severe decrease in staffing, and the remaining workforce is dedicated to emergency operations to enable the City to provide the most effective possible response to the COVID-19 pandemic for the protection of the health, safety and welfare of the City's residents. Additionally, the regularly scheduled March 24, 2020, Planning Commission meeting has been cancelled, and subsequent Planning Commissions may be held less frequently than usual or may not be held for a period of time. The emergency declaration period will remain in effect until its termination is proclaimed by the City Council, a period which is currently indefinite.

Based on the foregoing, please understand that normal City operations have been interrupted. Accordingly, the City finds it necessary to deem the 13-month timeframe under CMC Section 9172.11(B), and any other related timeframes or deadlines applicable to Inland Star's request for a text amendment to CMC Section 9141.1, to be extended by the period of time that the City's emergency declaration remains in effect. As such, the timeframes have been frozen as of March 17, 2020, and when the local emergency declaration is lifted and normal City operations recommence, the running of the 13-month timeframe will resume. Please confirm you acknowledge the necessity of this arrangement, and thank you in advance for your cooperation as the City responds to this global health crisis.

In response to the Letter's alternative request for an interpretation of CMC Section 9141.1 pursuant to CMC Section 9172.24, the City will deem this request to be ineffective in light of City's initiation of the text amendment process, as stated above, and the fact that the interpretation request is phrased as an alternative to the text amendment request. However, it is likely that the City will nonetheless proceed at some point with an interpretation of CMC 9141.1 upon initiation by the Director pursuant to Section 9172.24(A). In that event, the Director, within 30 days of initiating the interpretation process, would be required to prepare a written interpretation and transmit it to the Planning Commission and the City Council, and to give public notice of preparation of the interpretation, all as set forth in CMC Section 9172.24(C). It is not currently known if or when the Director will initiate this process (and now is not an ideal time in light of the current declared state of emergency), but once any such process has been initiated and an interpretation has been prepared by the Director, Inland Star will be notified of same via the public noticing procedures set forth in CMC Section 9172.24(C).

Finally, in response to Inland Star's request for a stay of enforcement, the City has not taken any formal action in this regard. However, the City has confirmed with the Los Angeles County Fire Department, in its capacity as the City's Certified Unified Program Agency, that the warehouse inventory of Inland Star's Carson facility, as inspected on December 18-19, 2019, did not contain any CalARP regulated substances. The City certainly appreciates this positive step in Inland Star's transition to being a non-hazardous materials storage facility, and the City looks forward to Inland Star's continued cooperation in this regard moving forward.

John P. Kinsey
March 20, 2020
Page 3

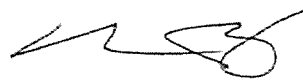
However, this does not mean that Inland Star's warehouse inventory as inspected on December 18-19, 2019, has been confirmed to be in compliance with the CMC or the agreement entered into between the City and Inland Star dated September 5, 2019 ("Agreement"), which go further than merely requiring Inland Star to refrain from having CalARP regulated substances. For instance, there may be materials in Inland Star's inventory that require a conditional use permit or other land use permit or approval not held by Inland Star in order to be legally stored in the MH zone, or that are prohibited for storage in such zone by the permissive zoning doctrine. And of course, Inland Star still lacks a City business license.

The City is continuing to analyze the compliance documentation submitted by Inland Star on February 21, 2020, and is also aware that making a final compliance determination may depend on the outcome of a text amendment to or an interpretation of CMC Section 9141.1. Therefore, while the City has not taken any formal action to grant or deny the requested stay of enforcement, and reserves all rights and remedies pursuant to the CMC, the Agreement, and other applicable law, it is my understanding that the City does not intend to initiate or pursue adverse code enforcement action against Inland Star at this time.

It is my sincere hope that the City (and the rest of the world) will soon be able to move past the COVID-19 emergency period and proceed with the text amendment consideration process, and potentially the interpretation process, in order to provide greater clarity regarding the requirements of CMC 9141.1 and a final compliance determination as soon as possible. Thank you for your consideration of these important matters and please do not hesitate to contact me if you have any questions, comments or concerns.

Regards,

ALESHIRE & WYNDER, LLP



Benjamin R. Jones, Assistant City Attorney

BRJ:BRJ

cc: Sunny K. Soltani, City Attorney (ssoltani@awattorneys.com)
Saied Naaseh, Community Development Director (snaaseh@carson.ca.us)

Enclosure: Letter dated February 21, 2020, from John Kinsey to Benjamin Jones re: Inland Star Distribution Centers, Inc., Request for Formal Interpretation and/or Text Amendment.

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February 21, 2020

VIA U.S. MAIL & EMAIL: bjones@awattorneys.com

Benjamin R. Jones
ALESHIRE & WYNDER LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612

Re: Inland Star Distribution Centers, Inc.
Request for Formal Interpretation and/or Text Amendment

Dear Mr. Jones:

As you are aware, my law firm represents Inland Star Distribution Centers, Inc. ("Inland Star"), in connection with its interactions with the City of Carson (the "City") concerning its facility in Carson, California, located at 2132 E. Dominguez Building "A" (the "Carson Facility").

It is my understanding that, at the December 18, 2019, meeting/inspection at the Carson Facility, you and Mr. Cardella discussed potential pathways to help resolve some of the ambiguities and outdated language in Section 9141.1 of the Carson Municipal Code ("CMC")—and the CMC's application to the Carson Facility—in a manner that is vetted publicly and evenhandedly applies to all industrial land uses in the City, and helps resolve any concerns the City may have concerning the storage of particular materials. I understand two of the potential solutions discussed were a text amendment and text interpretation pursuant to Section 9172.24 of the CMC.

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To help move this matter forward in a constructive manner, I am writing on behalf of Inland Star to request that the City initiate a public process—including either a text amendment or a text interpretation—to resolve the ambiguities present in Section 9141.1 of the CMC. In addition, now that all hazardous corrosives, oxidizers, toxics, flammables, poisons, and CalARP materials have been removed from the Carson Facility such that Inland Star would not be subject to H-3 or H-4 occupancy requirements or need a conditional use permit for its operations, Inland Star requests a stay of enforcement for Inland Star's Carson Facility pending the conclusion of the text amendment/interpretation process, along with a reasonable period to comply with the outcome of that process.

To help facilitate this process, our firm and Inland Star took the liberty of summarizing the steps necessary to resolve the ambiguities in Section 9141.1 of the CMC.

A. Text Amendment

Because Section 9141.1 of the CMC is outdated, and contains numerous ambiguities, Inland Star believes the best way to resolve the above issues would be through a text amendment.

As provided in CMC section 9172.11, “[c]onsideration shall be initiated by order of either the Council or Commission, or upon the written request of any person.” (CMC § 9172.11(A).) “When consideration has been initiated by the written request of any person, the matter shall be considered at a Commission hearing held within thirteen (13) months from receipt of the request.” (CMC § 9172.11(B).) Please consider this letter a written request pursuant to Section 9172.11(A).

Of course, there are any number of ways the City would amend the text of Section 9141.1 to provide clarity to the regulated public. However, the simplest way to strike to a balance between achieving the City's objectives of promoting health, safety, and welfare and allowing storage facilities sufficient flexibility to engage in standard business practices would be to modify Section 9141.1 to allow storage facilities as a “by right” land use so long as CalARP-regulated materials are not stored onsite. If any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit.

Alternatively, the City could specifically authorize the storage of materials that are typically used in the manufacturing process for other industrial “by right” uses. For example, many of the “by right” manufacturing uses require the application of paints, tints, dyes, resins, sealants, and epoxy adhesives—which those industrial users must store onsite prior to their use in the manufacturing process. By analogy, those materials should be acceptable to store as a matter of right. In addition to (i) paints, tints, and epoxy adhesives, other categories of stored materials that are commonly used in “by right” industrial users under Section 9141.1 include (ii) cosmetics, hygiene, and personal care products; (iii) materials used for foods, including additives, reducing/whitening agents, preservatives, vitamins, and disinfectants; (iv) rubber products and materials used for the manufacturing of such products, including lubricants and antioxidants; (v) industrial use paper; (vi) ceramics; (vii) medical or personal care products, such

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as shampoo and cosmetics, and other household items not listed in Section 9141.1; (viii) animal fees; and (ix) and other non-CalARP materials used in “by right” industrial processes.

B. Text Interpretation

Alternatively, the City could seek a text interpretation of Section 9141.1, pursuant to Section 9172.24 of the CMC. This process is specifically acknowledged in Section 9141.1, which notes the complexity of industrial uses, and the fact that uncertainties would no doubt arise:

Note: in the following list, industrial activities are classified by product, by materials used, by use, and by processes employed. Since many industrial uses are complex in nature, it is necessary to consider all of the above-mentioned elements in classifying any specific industrial use. Uncertainties as to the proper classification for a specific use are to be resolved through Interpretations adopted in accordance with CMC 9172.24.

(CMC § 9141.1 [emphasis added].)

Outlining the process for a formal interpretation of the CMC’s provisions, Section 9172.24 provides:

In case of uncertainty or ambiguity as to the meaning or intent of any provision of this Chapter, or to further define or enumerate the uses permitted in the various zones, and upon proper initiation as provided in CMC 9172.24(A), the following procedure shall be followed if a Text Change is not initiated. Adjustment of a zoning boundary up to fifty (50) feet from the scaled location on the Zoning Map also may be accomplished under this procedure if a Zone Change is not initiated and if such adjustment is in order to conform to lot lines or to resolve uncertainty as to the precise location of such zoning boundary. Except in the case of a Zoning Boundary Adjustment, Interpretations shall be generally applicable to all future situations of the same type and shall not be limited or directed to specific properties or circumstances thereon.

(CMC § 9172.24 [emphasis added].) The interpretation process may be initiated “upon the written request of any person.” (CMC § 9172.24(A).) The interpretation “shall be based on an examination of the intent of this Chapter, considering all of the relevant provisions thereof, and shall be consistent with such intent.” (CMC § 9172.24(B).) “Consideration shall be given to the relationship among regulations of the various zoning classifications and the uses and development standards therein.” (*Id.*) “In the case of an Interpretation involving further definition or enumeration of uses permitted in a particular zone, *consideration shall be given to*

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the similarities and differences between the characteristics of each use subject to Interpretation and the characteristics of those uses expressly permitted in the zone.” (Id. [emphasis added].)

Accordingly, in the event the City does not seek a text amendment, please consider this letter a written request by Inland Star for the City to initiate the CMC interpretation process for Section 9141.1 of the CMC, pursuant to Section 9172.24.

C. Stay of Enforcement

As you are aware, Inland Star has removed all hazardous corrosives, oxidizers, toxics, flammables, poisons, and CalARP materials from its Carson Facility. As such, there is no immediate concern about the presence of hazardous substances onsite.

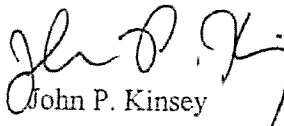
Therefore, to allow the City, Inland Star, and the public an opportunity to meaningfully engage in a public process to articulate clear, generally-applicable standards for industrial uses—and in particular storage and distribution facilities—Inland Star respectfully requests a stay of enforcement pending the outcome of either a text amendment or text interpretation process by the City. In light of the recognized ambiguities in the CMC, Inland Star’s removal of the CalARP and otherwise hazardous materials from the Carson Facility, and the need to articulate clear generally-standards for *all* industrial uses, Inland Star believes this request is both equitable and justified under the circumstances.

D. Conclusion

Thank you for consideration of the above requests. Inland Star looks forward to a productive dialog between the City, Inland Star, and other stakeholders.

Please do not hesitate to contact my office if you have any additional questions.

Very truly yours,


John P. Kinsey

Cur#	Item#	Description/Name	Use (See § 1 of SDS)	Type of coating, material, adhesives, sealing agents, composite materials	Antic	Use/Category/Common Applications (Google, Wikipedia)	CENS	REPAIRABLE	%	CMC
721	140001557	DYMAHD D-505F	Use of coating, material, adhesives, sealing agents, composite materials	Antic	7631-86-9	5%	1.3			
720	99001359	B712035 F RED OXIDE	Aqueous colorant	Tints, paints	1333-372-1, 107-21-1	60%, 10%	1.3			
730	99001371	B71380 C YELLOW OXIDE	Aqueous colorant	Tints, paints	14807-96-6	5%	1.3			
710	99003247	B341303 BURNT UMBER	Non-aqueous colorant	Tints, paints	1309-37-1, 14807-96-6, 8052	13%, 7%, 5%	1.3			
720	99003130	B302934 PERM RED	Aqueous colorant	Tints, paints	41-3, 1333-86-4	2%	1.3			
847	CF00018	B309394 PERM RED	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6	40%, 40%	1.3			
730	99003348	B310347 VENETIAN RED	Aqueous colorant	Tints, paints	1309-37-1, 107-21-1, 14807-96-6	60%, 20%, 1%	1.3			
720	99003175	B302506 INTERIOR YELLOW	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 126	40%, 40%, 3%	1.3			
847	CF00018	B302506 INTERIOR YELLOW	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 126	40%, 40%, 3%	1.3			
720	99003184	B307216 PHTHALO BLUE	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6	40%, 40%	1.3			
847	CF000408	B307216 PHTHALO BLUE	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6	40%, 40%	1.3			
730	99003386	B308895 VIOLET	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 126	40%, 40%, 3%	1.3			
847	CF000438	B308895 VIOLET	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 126	40%, 40%, 3%	1.3			
720	99003388	B309907 LAMP BLACK	Aqueous colorant	Tints, paints	1333-86-4, 107-21-1, 14807-96-6	40%, 30%, 20%	1.3			
847	CF000468	B309907 LAMP BLACK	Aqueous colorant	Tints, paints	1333-86-4, 107-21-1, 14807-96-6	40%, 30%, 20%	1.3			
720	99003410	B312901 CARBON BLACK	Non-aqueous colorant	Tints, paints	1333-86-4, 7684-41-7	60%, 1%	1.3			
720	99003432	B315124 GP GOLD SE	Aqueous colorant	Tints, paints	1309-37-1, 12001-26-2	3%, 20%	1.3			
720	99003456	B300001 TITANIUM WHITE	Non-aqueous colorant	Tints, paints	107-21-1	10%	1.3			
720	99003499	B309260 CARBON BLACK M	Non-aqueous colorant	Tints, paints	1333-86-4	30%	1.3			
720	99004011	B770019 AQUASPERSE II T WHITE	Aqueous colorant	Tints, paints	14807-96-6	10%	1.3			
720	99004030	B770787 AQUASPERSE FAST RED	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 64-171	30%, 10%, 1%	1.3			
720	99004033	B770801 NAPHTHOL RED	Aqueous colorant	Tints, paints	14807-96-6	5%	1.3			
730	99004045	B771114 BURNT UMBER	Aqueous colorant	Tints, paints	1309-37-1, 14807-96-6, 1333	40%, 10%, 3%	1.3			
847	CF03128	B771314 BURNT UMBER	Aqueous colorant	Tints, paints	1309-37-1, 14807-96-6, 1333	40%, 10%, 3%	1.3			
720	99004049	B771403 RAW UMBER	Aqueous colorant	Tints, paints	86-4, 8052-41-3	1%	1.3			
847	CF03128	B771403 RAW UMBER	Aqueous colorant	Tints, paints	107-21-1	10%	1.3			
720	99004052	B771575 BROWN OXIDE	Aqueous colorant	Tints, paints	107-21-1	10%	1.3			
720	99004066	B772010 AQUASPERSE II RAW UMBER	Aqueous colorant	Tints, paints	14807-96-6	10%	1.3			
847	CF03140P	B772010 AQUASPERSE II RAW UMBER	Aqueous colorant	Tints, paints	1309-37-1, 1333-86-4, 8052	40%, 3%, 1%	1.3			
720	99004076	B772501 AQUASPERSE II CAR VIOLET	Aqueous colorant	Tints, paints	107-21-1, 126-73-8, 14807-96-6	40%, 3%, 1%	1.3			
720	99004103	B773503 ULTRAVIOLET BLUE	Aqueous colorant	Tints, paints	96-6	10%, 5%, 1%	1.3			
847	CF03159P	B773503 ULTRAVIOLET BLUE	Aqueous colorant	Tints, paints	14807-96-6	10%	1.3			
720	99004112	B778895 AQUASPERSE II CAR VIOLET	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 126	40%, 40%, 3%	1.3			
847	CF03188P	B778895 AQUASPERSE II CAR VIOLET	Aqueous colorant	Tints, paints	107-21-1, 14807-96-6, 126	40%, 40%, 3%	1.3			
720	99004115	B779008 AQUASPERSE II LAMP BLACK	Aqueous colorant	Tints, paints	73-8	40%, 40%, 3%	1.3			
847	CF03191P	B779008 AQUASPERSE II LAMP BLACK	Aqueous colorant	Tints, paints	1333-86-4	60%	1.3			
720	99004116	B779008 AQUASPERSE II LAMP BLACK	Aqueous colorant	Tints, paints	1333-86-4	60%	1.3			
720	99004130	B779010 HS BLACK	Aqueous colorant	Tints, paints	1333-86-4	60%	1.3			
720	99004137	B781046 AQUATEND II RED OX	Aqueous colorant	Tints, paints	1333-86-4, 107-21-1	60%, 30%	1.3			
720	99004150	B781573 AQUASPERSE II BROWN OX	Aqueous colorant	Tints, paints	14807-96-6	5%	1.3			
620	CL12168422B	NOVOPERM RED PPK	Coloring Agent	Tints, paints	1333-86-4, 14807-96-6	5%, 10%	1.3			
782	0250_33-142-060	MAX-304015	Protection transparency UVA	Concetes, Personal Care products	14807-96-6	13%	1.3			
782	12-10-01-015	SPHERON L 1500	Silica white bead for slip, spreadability	Concetes, Personal Care products	1314-13-2	90%	3			
782	09-101-020	SHERITE PBR	Pigment extender, bulk filler	Concetes, Pharmaceutical excipients	7631-86-9		3			
782	12-10-01-015	SPHERON L C-KVA	SPF booster	Concetes, Pharmaceutical excipients	12001-26-2		3			
808	SNBBS	SODIUM METABISULFITE	Food additive	Concetes, Pharmaceutical excipients	7631-86-9		3			
789	4986591	VARPERE AP-2	Polymeric processing aid	Food uses - diuretic, preservative	7681-57-4		3			
789	0320501	AGENTE SUPERLEX SOLID G	Antioxidant	Lubricant for mold flow and release of rubber products	117-81-7	100%	2			
				Antioxidant for rubber products such as tires	7631-86-9, 122-39-4	30%	2			
					2554, 202%		2			

836	CLP22164964P	HOST/ANTI BLK A-1100	Colorant preparation	Time, paint	1333-86-4	25%	1
836	CLP2992904P	HOST/ANTI BLK LAMP BLACK	Coloring Agent	Time, paint	1333-86-4	10%	1
836	LCRCONC260122B	KONASU K-500U	Pow agent, filler	Coatings, adhesives, sealants, cementics	7631-86-9	10%	1, 2, 3
837	FCSSW 704059B	INSOLVAX 7040	Anti-fanning agent	Industrial use paper	8003-76-2	92%	4
837	BRV1140	BYVOCOR CP1355	Concrete inhibiting pigment	Protective coating systems (anti-ox)	1311-81-2	25%	1
837	RTV320	PYRAX B	Adhesive/filler	Cementics, Paints	12601-28-2	25%	1
837	RTV460	VANITAC 6H	Adhesive/filler	Cementics	14807-96-6	98%	1
837	RTV930	VANSEL W-30	Adhesive	Cementics	13983-17-0	99%	1
837	Z131Z2E41	ZE41 INGOT	Industrial fabrication	Casting, welding	7439-97-4	87%	4
839	50491815	DRY VITAMIN ACETATE	Vitamin	Vitamins	128-37-0	3%	3
865	DRGMBE6037	DIKROPYLINE CLYCOL MONOMETHYL ETHER	Solvent	Used in paints, paper, dyes, resin, brake fluids and ink, and in making cementics	34590-91-8	100%	1
816	DU1015-57	DEE FO 1015	Anti-fanning agent	commonly used for architectural, industrial and wood coatings, as well as priming inks and adhesives	7631-86-9	3%	1
816	DU1015-1	DEE FO 1015	Anti-fanning agent	well as priming inks and adhesives	7631-86-9	3%	1
730	99043231	COL OR TREND RED OX SE	Aqueous colorant	Time, paints	1309-37-1, 107-21-1, 14807-96-6	60%, 20%, 3%	1, 3
847	CF04810	COL OR TREND RED OX SE	Aqueous colorant	Time, paints	1309-37-1, 107-21-1, 14807-96-6	60%, 20%, 3%	1, 3
730	99043232	COL OR TREND RED OXIDE	Aqueous colorant	Time, paints	1309-37-1, 107-21-1, 14807-96-6	60%, 20%, 3%	1, 3
847	CF04840	COL OR TREND BRN OX SE	Aqueous colorant	Time, paints	1309-37-1, 107-21-1, 14807-96-6	60%, 20%, 3%	1, 3
710	9904364	COL OR TREND BRN OX	Aqueous colorant	Time, paints	1309-37-1, 107-21-1, 14807-96-6	60%, 20%, 3%	1, 3
730	9904376	COL OR TREND YELLOW OXIDE	Aqueous colorant	Time, paints	1309-37-1, 107-21-1, 14807-96-6, 1333-86-4	40%, 10%, 20%, 30%	1, 3
730	9904299	COL OR TREND RAW UMBER	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1309-37-1, 1333-86-4	3%	1, 3
847	CF0491L	COL OR TREND RAW UMBER	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1333-86-4	1%	1, 3
730	9904384	COL OR TREND LAMP BLACK SE	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1309-37-1, 1333-86-4	40%, 40%, 10%	1, 3
847	CF0326Q	COL OR TREND LAMP BLACK SE	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1333-86-4	40%, 40%, 10%	1, 3
730	9904385	COL OR TREND LAMP BLACK	Aqueous colorant	Time, paints	86-4	40%, 40%, 10%	1, 3
847	CF0326P	COL OR TREND LAMP BLACK	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1333-86-4	40%, 40%, 10%	1, 3
730	9904336	AQUACHEM L1 ORANGE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
847	CF01483Q	AQUACHEM L1 ORANGE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
730	9904337	LEAD FREE ORANGE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
847	CF0185P	LEAD FREE ORANGE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
730	9904341	AQUACHEM RED IRON OX SE	Aqueous colorant	Time, paints	1309-37-1, 111-76-2, 8032-41-3	60%, 3%, 1%	1, 3
847	CF01486Q	AQUACHEM RED IRON OX SE	Aqueous colorant	Time, paints	1309-37-1, 111-76-2, 8032-41-3	60%, 3%, 1%	1, 3
730	9904355	AQUACHEM LF RED YELLOW	Aqueous colorant	Time, paints	7645-1	3%	1, 3
847	CF01304Q	AQUACHEM ORG YELL GS SE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
730	9904378	AQUACHEM ORG YELL GS SE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
847	CF01307Q	AQUACHEM PHT GREEN SE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
730	9904379	AQUACHEM PHT GREEN SE	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
730	99044603	AQUACHEM LAMP BLACK	Aqueous colorant	Time, paints	111-76-2	3%	1, 3
847	CF01323P	B LAMP BLACK	Aqueous colorant	Time, paints	111-76-2, 1333-86-4	3%, 40%	1, 3
730	99014914	LAMP BL ACK BGR 2907	No VOC Aqueous colorant	Time, paints	14807-96-6, 1333-86-4	2%, 40%	1, 3
847	CF02088G	C YELLOW OXIDE	No VOC Aqueous colorant	Time, paints	14807-96-6, 1333-86-4	40%, 10%	1, 3
847	CF02070A	C YELLOW OXIDE	No VOC Aqueous colorant	Time, paints	107-21-1	30%	1, 3
730	99015060	C YELLOW OXIDE RND B171880	Aqueous colorant	Time, paints	107-21-1	30%	1, 3
730	99015066	COL OR TREND RED OXIDE	Aqueous colorant	Time, paints	14807-96-6	5%	1, 3
730	99015077	LAMP BLACK RND	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1333-86-4	60%, 20%, 3%	1, 3
847	CF0326G	LAMP BL ACK RND	Aqueous colorant	Time, paints	107-21-1, 14807-96-6, 1333-86-4	40%, 40%, 10%	1, 3
730	99017661	EX TITANIUM WHITE	Aqueous colorant	Time, paints	14807-96-6, 1309-37-1	30%, 5%	1, 3

847	CF09351	K-CITRANILIN WHITE	Aqueous colliant	Time paints		14807-96-6, 1309-37-1	10%, 5%	1,3
730	99017062	V MAGENTA	Aqueous colliant	Time paints		14807-96-6, 1309-37-1	40%, 3%	1,3
847	CF0838L	R ORGANIC RED	Aqueous colliant	Time paints		14807-96-6, 1309-37-1	40%, 3%	1,3
730	99017064	R ORGANIC RED	Aqueous colliant	Time paints		14807-96-6, 1309-37-1	40%, 3%	1,3
847	CF0861L	F RED OXIDE	Aqueous colliant	Time paints		14807-96-6	40%	1,3
730	99012665	F RED OXIDE	Aqueous colliant	Time paints		14807-96-6	40%	1,3
847	CF0864L	F RED OXIDE	Aqueous colliant	Time paints		1309-37-1, 14807-96-6, 1333	60%	1,3
730	99017066	BROWN OXIDE	Aqueous colliant	Time paints		1309-37-1, 14807-96-6, 1333	40%, 20%, 3%	1,3
847	CF0867L	BROWN OXIDE	Aqueous colliant	Time paints		14807-96-6, 1333	40%, 20%, 3%	1,3
730	99017070	L RAW UMBER	Aqueous colliant	Time paints		86-4	40%, 20%, 3%	1,3
847	CF0837L	L RAW UMBER	Aqueous colliant	Time paints		14807-96-6, 1309-37-1, 1333	40%, 10%, 1%	1,3
730	99017071	T RED YELLOW	Aqueous colliant	Time paints		86-4	40%, 10%, 1%	1,3
847	CF0876L	T RED YELLOW	Aqueous colliant	Time paints		14807-96-6	10%	1,3
730	99017072	XXX ORGANIC YELLOW	Aqueous colliant	Time paints		14807-96-6	40%	1,3
847	CF0879L	XXX ORGANIC YELLOW	Aqueous colliant	Time paints		14807-96-6	40%	1,3
730	99017073	D PHTHALO GREEN	Aqueous colliant	Time paints		14807-96-6	40%	1,3
847	CF0883L	E PHTHALO GREEN	No VOC Aqueous colliant	Time paints		14807-96-6, 1328-53-6	40%, 10%	1,3
730	99017074	E PHTHALO GREEN	Aqueous colliant	Time paints		14807-96-6, 1328-53-6	40%, 10%	1,3
847	CF0885L	E PHTHALO BLUE	Aqueous colliant	Time paints		14807-96-6, 1328-53-6	40%	1,3
730	99018474	YELLOW OXIDE R12180	Aqueous colliant	Time paints		14807-96-6, 107-21-1	40%	1,3
847	CF0115L	LAMP BLACK 808-9937	Additive	Time paints		14807-96-6, 1333-86-4	5%, 1%	1,3
847	RTV929D	VARSEL W-20	Additive	Ceramics		13931-17-0	40%, 10%	1,3
847	BU10A0	LAPONITE RDS	Rheological additive for water-borne systems	Surface coatings, household products, general industrial		7722-88-5	8%	1
847	CAT1890	RED P-60 NR	Inorganic pigment	Maintenance paints, coatings, stains		12001-26-2	10%	1
847	CAT196	RED P-61	Inorganic pigment	Architectural paints, industrial coatings, product finishes		1309-37-1	10%	1
847	CF0109L	PHTHALO BL UE 808-7055	Aqueous colliant	Time paints		14807-96-6	20%	1
847	CA7256	RED RA17	Inorganic pigment	Time paints		1309-37-1	10%	1
847	CAT171	RED RA17A	Red iron oxide pigment	Architectural paints, industrial coatings, product finishes		1309-37-1	10%, 90%	1
847	CA7016	RED RA17DA	Red iron oxide pigment	Architectural paints, industrial coatings, product finishes		7631-86-9, 1309-37-1	10%, 90%	1
847	CF0021L	RAW UMBER (808-5069)	Aqueous colliant	Time paints		14807-96-6, 1309-37-1	40%, 10%	1,3
847	CF0081	LAMP BLACK 808-9907	No VOC Aqueous colliant	Time paints		14807-96-6, 1333-86-4	40%, 10%	1,3
847	CLARISTATXCS6231C							
837	1	ARISTO LEX TAC	Thickener	Personal care (shampoo, shower gel, facial cleanser)		75-65-0	5%	1
730	9909357	LEAD FREE ORANGE	Aqueous colliant	Time paints		111-76-2	3%	1,3
730	9909454	RED IRON OXIDE (86161001)	Aqueous colliant	Time paints		1309-37-1, 111-76-2	60%, 3%	1,3
847	CF0148D	RED IRON OXIDE (86161001)	Aqueous colliant	Time paints		1309-37-1, 111-76-2	60%, 3%	1,3
830	MCOUPR40050PBGN	MAGNESIUM OXIDE POWDER	Supplement	Medical uses such as supplement, antacid, or laxative		1309-48-4	100%	1
830	FRICC P40020KJGN	SILICON DIOXIDE	Food grade additive	Anticaking and anti-humectant agent		7631-86-9	98%	1
847	GHC001	ZINC OXIDE	Additive	Medical uses such as topical treatment of skin irritations minor burns		1314-13-2	100%	1
730	99018354	VIOL ET (8088994)	Aqueous colliant	Time paints		14807-96-6	40%	1,3
847	CF0113L	VIOL ET (8088994)	Aqueous colliant	Time paints		14807-96-6	40%	1,3
803	50222910	COMPERI AN XD	Thickener in surfactant preparations	Shampoos, liquid soap, baby care cleaning products		14807-96-6	40%	1,3
730	5024847	QUINACRYDONE VIOL ET	Pigment preparation	Time paints		111-43-2	7%	3
730	50263845	HIGH HIDE RED	Pigment preparation	Time paints		14807-96-6, 1316-71-3	10%, 1%	1,3
730	99001382	PHTHALO GREEN 830-5115	Aqueous colliant	Time paints		14807-96-6, 107-21-1	10%, 1%	1,3
847	CF0037B	PHTHALO GREEN 830-5115	Aqueous colliant	Time paints		107-21-1, 14807-96-6	40%, 40%	1,3
730	50248464	HIGH HIDE RED	Pigment preparation	Time paints		107-21-1, 14807-96-6	40%, 40%	1,3
730	50248479	L GREEN 830-4333	Pigment preparation	Time paints		14807-96-6, 107-21-1	10%, 1%	1,3
847	CF0094D	L GREEN 830-4333	Aqueous colliant	Time paints		107-21-1, 14807-96-6	40%, 40%	1,3
730	50248643	PL PERMANENT RED	Pigment preparation	Time paints		107-21-1, 14807-96-6	40%, 40%	1,3
730	99083166	EXT M YELLOW 830-2024	Aqueous colliant	Time paints		14807-96-6, 107-21-1, 12673	40%	1,3
847	CF0215B	EXT M YELLOW 830-2024	Aqueous colliant	Time paints		14807-96-6, 107-21-1, 12673	40%, 20%, 3%	1,3
730	50282887	PL PERMANENT RED	Pigment preparation	Time paints		8	40%, 20%, 3%	1,3
730	50263429	RAW UMBER VOC TL	Pigment preparation	Time paints		14807-96-6	3%	1,3
730	50305264	RAW UMBER VOC TL	Pigment preparation	Time paints		1309-37-1, 1333-86-4	15%, 1%	1,3
730	50248635	RAW UMBER VOC TL	Pigment preparation	Time paints		1309-37-1, 1333-86-4	15%, 1%	1,3
730	99003862	RAW UMBER 830-2029	Aqueous colliant	Time paints		1309-37-1, 107-21-1, 14807-96-6, 1333-86-4	40%, 20%, 10%	1,3
847	CF0022B	RAW UMBER 830-2029	Aqueous colliant	Time paints		1309-37-1, 107-21-1, 14807-96-6, 1333-86-4	40%, 20%, 10%	1,3
730	99000338	RAW SIENNA 830-4834	Aqueous colliant	Time paints		56-6, 1333-86-4	3%	1,3
						14807-96-6, 1309-37-1	10%, 3%	1,3

847	CF0002B	RAW SIERRA 830-1831	Aqueous coluran	Tints, paints	Used in waterborne coatings such as varnishes and wood coatings.	14807-96-6, 1309-37-1	10%, 3%	1, 3
766	5090678	LAMP BLACK VOC BL	Pigment preparation	Tints, paints	Flavor and fragrance ingredient	14807-96-6, 1333-86-4, 1310	15%, 10%, 1%	1, 3
776	5090913	LAMP BLACK VOC BL	Pigment preparation	Tints, paints	Medical, personal care, used for minor skin irritations	14807-96-6, 1333-86-4, 1310	15%, 10%, 1%	1, 3
776	50247965	LAMP BLACK VOC BL	Pigment preparation	Tints, paints	Vitamin, food additive	14807-96-6, 1333-86-4, 1310	15%, 10%, 1%	1, 3
730	99000334	BURBT LAMBER 830-1313	Aqueous coluran	Tints, paints	Construction and industrial adhesives	1309-37-1, 107-21-1, 1333	40%, 20%, 3%	1, 3
847	CF0018B	BURBT LAMBER 830-1313	Aqueous coluran	Tints, paints	Stabilizer/dispersing agent for pigments and fillers	1309-37-1, 107-21-1, 1333	40%, 20%, 3%	1, 3
720	99000330	BURBT SIERRA 830-1109	Aqueous coluran	Tints, paints	Used in waterborne coatings such as varnishes and wood coatings.	1309-37-1, 107-21-1, 1333	40%, 20%, 3%	1, 3
847	CF0018B	BURBT SIERRA 830-1109	Aqueous coluran	Tints, paints	Latent hardener for epoxy resin systems used in adhesive, composite, electrical and powder coating industry	1309-37-1, 107-21-1, 1333	40%, 20%, 3%	1, 3
730	99000346	PERM ORANGE 830-0972	Aqueous coluran	Tints, paints	Churning agent for thermosetting epoxy resin compositions in the adhesives and composite industry	14807-96-6, 107-21-1	40%, 20%	1, 3
847	CF0007E	PERM ORANGE 830-0972	Aqueous coluran	Tints, paints	Curing agent for thermosetting epoxy resin compositions in the adhesives and composite industry	14807-96-6, 107-21-1	40%, 40%	1, 3
730	99000341	BULL RED 830-0802	Aqueous coluran	Tints, paints	Stabilizer/dispersing agent for pigments and fillers	14807-96-6, 107-21-1	40%, 40%	1, 3
847	CF0004H	BULL RED 830-0802	Aqueous coluran	Tints, paints	Stabilizer/dispersing agent for pigments and fillers	14807-96-6, 107-21-1	40%, 40%	1, 3
865	SONEFA1708	SODIUM METABISULFITE	Food grade additive	Tints, paints	Reducing agent, whitening agent	14807-96-6, 107-21-1	40%, 40%	1, 3
814	HG	HEXYLENE GLYCOL	Solvent	Surfactant or emulsifying agent in barquers, varnishes, printing inks and paints	Used in waterborne coatings such as varnishes and wood coatings.	107-41-5	99%	1
832	23102X	ZIRCONIUM HARDENER	Zirconium grain refiner	Grain refining and improved castability/casting integrity of alloys	Used in waterborne coatings such as varnishes and wood coatings.	7439-95-4, 7440-67-7	15%, 25%	4
832	1307110831AA	DERVYI ACETATE	Food additive	Flavor and fragrance ingredient	Used in waterborne coatings such as varnishes and wood coatings.	140-11-4	100%	3
839	50949047HG	CALAMINE USP POWDER	Antiragant and skin protection	Medical, personal care, used for minor skin irritations	Used in waterborne coatings such as varnishes and wood coatings.	1314-13-2	100%	3
816	UP9801-B	VITAMIN 3 500 FG	Food additive	Vitamin, food additive	Used in waterborne coatings such as varnishes and wood coatings.	7631-86-9	100%	3
816	UP9801-B	AGITAN P 301	Antifoam agent/Defoamer	Construction and industrial adhesives	Used in waterborne coatings such as varnishes and wood coatings.	7631-86-9	60%	1, 2
816	M5316-D	EDAMLAN 516	Dispersing agent	Stabilizer/dispersing agent for pigments and fillers	Used in waterborne coatings such as varnishes and wood coatings.	1305-62-0	10%	1
816	M5316-T	EDAM AN 516	Dispersing agent	Stabilizer/dispersing agent for pigments and fillers	Used in waterborne coatings such as varnishes and wood coatings.	1305-62-0	10%	1
816	UP9833-B	AGITAN P 313	Antifoam agent/Defoamer	Construction and industrial adhesives	Used in waterborne coatings such as varnishes and wood coatings.	7631-86-9	60%	1
721	15	DYHARD 1095	Raw material for industrial manufacturing	Latent hardener for epoxy resin systems used in adhesive, composite, electrical and powder coating industry	Used in waterborne coatings such as varnishes and wood coatings.	1631-86-9	5%	1
731	140001346	DYHARD 100M	Raw material for industrial manufacturing	Churning agent for thermosetting epoxy resin compositions in the adhesives and composite industry	Used in waterborne coatings such as varnishes and wood coatings.	7631-86-9	5%	1
839	50946305	LUTAVIT A 1000	Food additive	Churning agent for thermosetting epoxy resin compositions in the adhesives and composite industry	Used in waterborne coatings such as varnishes and wood coatings.	128-37-0, 7598-79-4	13%, 3%	3
731	140001357	DYHARD 50EP	Raw material for industrial manufacturing	Churning agent for thermosetting epoxy resin compositions in the adhesives and composite industry	Used in waterborne coatings such as varnishes and wood coatings.	7631-86-9	5%	1, 2
730	990004350	RR-5311 PHTHALO GREEN D	Aqueous coluran	Tints, paints	Used in waterborne coatings such as varnishes and wood coatings.	107-21-1, 14807-96-6	40%, 40%	1, 3
847	CF02140	RR-5311 PHTHALO GREEN D	Aqueous coluran	Tints, paints	Used in waterborne coatings such as varnishes and wood coatings.	107-21-1, 14807-96-6	40%, 40%	1, 3
789	0433801	ALTAIX MBTS	Accelerator for rubber	Tints, paints	Used in tires, hoses, rubber mats, mats	136-78-5, 8042-47-5	92%, 4%	2
789	2083501	DURAX (GHS) POWDER	Accelerator for rubber	Rubber accelerator commonly used in metal, lab and building industries	Used in tires, hoses, rubber mats, mats	95-53-0	99%	2
789	4090501	ETHYL TUNDS TEST P	Accelerator/vulcanizer for rubber	Cure modifier for resins	Used in tires, hoses, rubber mats, mats	1433-55-1, 8042-47-5	92%, 2%	2
789	7511401	ETHYL ZINATE DUSTLESS	Accelerator for rubber	Stabilizer in thermoplastic rubbers and hot melts	Used in tires, hoses, rubber mats, mats	137-26-8, 8042-47-5	92%, 3%	2
789	4183901	METHYL TUNDS TMTD	Accelerator for rubber	Accelerator and vulcanizer for NR and synthetic rubbers	Used in tires, hoses, rubber mats, mats	97-74-5	92%	2
789	4576801	VAANAX TMTM	Accelerator for rubber	Processing and curing rubbers, neoprenes	Used in tires, hoses, rubber mats, mats	1332-37-2, 8052-41-5, 12713	30%, 30%, 10%	2
730	99000247	B241302 BURBT LAMBER FT	Non-aqueous coluran	Tints, paints	Used in waterborne coatings such as varnishes and wood coatings.	93-0, 1309-34-1, 14807-96-6	10%, 10%	1, 3
847	CF01030	B241302 BURBT LAMBER FT	Non-aqueous coluran	Tints, paints	Used in waterborne coatings such as varnishes and wood coatings.	1332-37-2, 8052-41-5, 12713	30%, 30%, 10%	1, 3
836	CFIC653066C	CHIGUARD 5330	UV Absorber for polymers	UV light absorber for automobile and industrial coatings	Used in waterborne coatings such as varnishes and wood coatings.	03-0, 1309-34-1, 14807-96-6	10%, 10%	1, 3
810	1097017	CAMPIC ACID 99%	Food grade additive	Lubricant, binder, deforming coating used on fresh fruits and manufacturing of other food grade additives	Used in waterborne coatings such as varnishes and wood coatings.	104810-48-2, 104810-47-1	53%, 43%	1, 2
814	DB	DIETHYLENE GLYCOL MONOETHYL ETHER	Solvent	Lubricant, binder, deforming coating used on fresh fruits and manufacturing of other food grade additives	Used in waterborne coatings such as varnishes and wood coatings.			
857	11-1031-50	PERMETHYL 101A	Emollient	Cleanser, mix, paints, coatings and lacquers	Used in waterborne coatings such as varnishes and wood coatings.			
857	NOBETARHEC350DR	PERMETHYL 101A	Emollient	Emollient and moisturizer used in personal care, cosmetics	Used in waterborne coatings such as varnishes and wood coatings.			
803	50283393	CABABY 450 DCL (Pharven 450 DCL)	Non-ionic surfactant	Used in hand soaps and industrial cleaners	Used in waterborne coatings such as varnishes and wood coatings.			
865	ZTS18EG251	ZINC SULPHATE MONOHYDRATE PWD35	Laboratory chemical	Used in shower and bath preparations, hand soaps, shampoo, toothpastes and cleaning waxes	Used in waterborne coatings such as varnishes and wood coatings.			
810	1069545	PHENOXYPHENANOL PRESERVE	Personal Care preservative	Used in perfume fragrances, insect repellent, antiperspirant consumer products such as packaging films, cosmetic formulation, toiletries and medical treatment tubing	Used in waterborne coatings such as varnishes and wood coatings.			
823	1304993599AA	DIETHYL PHTHALATE	Plasticizer	Personal care (antiperspirant, deodorant)	Used in waterborne coatings such as varnishes and wood coatings.			
839	ACUDIC60035DBRN	ALUNBRUM CIL-ERIDE BR-KAHYDRATE	Chemical/Technical application	Food preservative, natural flavor enhancer, antioxidant (canned fruits, vegetables, jams, jellies)	Used in waterborne coatings such as varnishes and wood coatings.			
808	CAA	CITRIC ACID ANHYDROUS	Food and pharmaceutical additive	Food preservative, natural flavor enhancer, antioxidant (canned fruits, vegetables, jams, jellies)	Used in waterborne coatings such as varnishes and wood coatings.			
810	1001346	Alcohol, 1689 cetyl alcohol	Opacifier in shampoos, emollient, emulsifier or thickening agent in skin creams & lotions, metal	Used in waterborne coatings such as varnishes and wood coatings.	Used in waterborne coatings such as varnishes and wood coatings.			
810	1092114	1,2-Hydroxy stearic acid tid flakes	Thickener for lithium grease	Used in waterborne coatings such as varnishes and wood coatings.	Used in waterborne coatings such as varnishes and wood coatings.			

810	1002167	ISOPROPYL PALMITATE NF	Skin Cosmetics, Pharma equipment						
810	1002700	BIOSECUR C 1608	Cosmetics, Personal Care Products						
810	1003839	GLYCERINE USP 99.7% KOSHI	NF Excipient						
810	1003840	GLYCERINE USP 99.7% KOSHI	NF Excipient						
810	1004268	CASTOR OIL, SD STANDARD	Lubricants, Natural Polyol in urthane applications						coloring agents, preservatives, and fillers - used in medicines coloring agents, preservatives, and fillers - used in medicines
810	1004269	BACK CASTOR OIL	Hair care applications; personal care products						
810	1004266	L AUBRIC ACID 99% FCG FLAKES	Per FDA 21CFR - Coatings on fresh citrus fruit, fatty acids, in foods as a lubricant, binder, & defoaming agents & as a component in manufacturing of other "Food Grade" additives, surface lubricants used in manufacture of metallic articles						
810	1004769	STEARIC ACID 90 NF KOSHER POWDER	Per FDA 21CFR - Coatings on fresh citrus fruit, chewing gum base, fatty acids, defoaming agents, adhesives, reticulous and polymeric coatings; stearic acid						
810	1005219	RC5A 02 60R TALLOW BASED FLAKES 50%	reticulous and polymeric coatings; components of paper and paperboard in contact with aqueous and fatty foods; rubber articles intended for repeated use; surface lubricants used in the manufacture of metallic articles						
810	1005476	METHYL PARABEN NF USP FINE PWD	Antimicrobials - cosmetics and personal care products						
810	1005819	PALMITIC ACID 98 % FCG FLAKES	Per FDA 21CFR - Coating on fresh citrus fruit, fatty acids, in foods as a lubricant, binder, & defoaming agents & as a component in manufacturing of other "food grade" additives, mono- and diesters						
810	1006345	PHEYOXYETHANOL PRESERVE LIO	Personal Care Preservative						
810	1007017	CAPRIC ACID 99%	Per FDA 21CFR - Coating on fresh citrus fruit, fatty acids, in foods as a lubricant, binder, &						
810	1007943	PALE PRESSED CASTOR STD LIO	Per FDA 21CFR - Coatings on fresh citrus fruit, fatty acids, in foods as a lubricant, binder, & defoaming agents & as a component in manufacturing of other "food grade" additives, Sanitizing Solutions						
810	1008107	SHARONIX EG 14	Cosmetics, Personal Care products						
810	1008110	SHARONIX AM14	Cosmetics, Personal Care products						
810	1008112	SHARONSE PLUS 181	Cosmetics, Personal Care products						
810	1008576	PROPYL PARABEN NF KOSHI PWD	Antimicrobials - cosmetics and personal care products						
810	1008582	COCONUT FATTY 74% FGI	Bioactive, Chemical Intermediate, Tanning Agents, Lubricant, Intermediate, Laboratory Chemical						
810	1008700	COCONUT FATTY 93% FGH	Tanning Agents, Lubricant, Intermediate, Bioactive, Chemical Intermediate, Laboratory Chemical						
810	1008701	COCONUT FATTY 93% FGI	Tanning Agent, Lubricant, Intermediate, Laboratory Chemical						
810	1008734	NO. 1 CASTOR OIL STANDARD	Lubricant, Adhesives, Coatings; Urthane applications; FDA cited application						
810	1008736	NO. 1 CASTOR WHIT STD LIQ	Cosmetic						
810	1008737	NO. 1 CASTOR STD LIQ	Cosmetic						

810	1009191	TRIPLE PRESS STEARIC ACID 1 FGR FLK	PERFDA 31(CHR) Castings on fresh citrus fruit, chewing gum Personal Care Products - Emulsifier for Creams and Lotions, and Shaving Cream Formulation.						3
810	1009640	OLEIC ACID FGR LIQ	PERFDA 31(CHR) Castings on fresh citrus fruit, chewing gum Personal Care Products - Emulsifier for Creams and Lotions, and Shaving Cream Formulation.						3
810	1009700	VEROH 30	PERFDA 31(CHR) Castings on fresh citrus fruit, chewing gum Personal Care Products - Emulsifier for Creams and Lotions, and Shaving Cream Formulation.						3
810	1009102	HYDRESIA G2	PERFDA 31(CHR) Castings on fresh citrus fruit, chewing gum Personal Care Products - Emulsifier for Creams and Lotions, and Shaving Cream Formulation.						3
854	3015193322	MEGA 30% POWDER	Non-ionic surfactant. For the formulation of foods, ingredients for dietary supplements.						3
854	3015280322	MEGA-DHA POWDER	Non-ionic surfactant. For the formulation of foods, ingredients for dietary supplements.						3
7178	50157969	MS-65R	Concave Ingredient						3
7178	50157970	MS-67A 1 BRM	POLY FILM						3
7178	50157982	XIR-55-WA-G2 (1.38M)	POLY FILM						2
7178	50158098	XIR-75-WA-G1 (1.38M)	POLY FILM						2
789	130101	Agente MA Powder 33	POLY FILM						2
789	2909201	Agente Soluble S 55# Bag	Antioxidant for rubber	Wire & Cable Adhesives & Cements, Hot Melt, Latex					2
789	320501	Agente Superflex Spid G	Antioxidant for rubber	Hotels & Beds, Auto & Appliance, Wire & Cable, Footwear, Adhesives & Cements, Hot Melt, Latex					2
789	370502	Agente T30 Powder	Antioxidant for rubber	Tires, Auto & Appliance, Wire & Cable, Footwear, Adhesives & Cements, Hot Melt, Latex					2
789	370601	Agente T30 Powder	Antioxidant for rubber	Wire & Cable					2
789	370701	Agente T30 Powder	Antioxidant for rubber	Wire & Cable					2
789	413001	Alux MBYS 55 # Bag	Accelerator	Wire & Cable					2
789	1231100	Chlorobutyl Rubber	Accelerator	General purpose rubber					2
789	1273101	Cure-Rite 18 Powder	Rubber Compound	Adhesive, Automotive Application, Pharmaceutical Rubber applications					2
789	1273101	Cure-Rite 18 Powder	Accelerator	Adhesive, Automotive Application, Pharmaceutical Rubber applications					2
789	1893401	Darvon WAO Extra LP	Accelerator	Rubber applications such as natural rubber (NR) compounds					2
789	2085001	Duns (CRS) Powder	Rubber additive	For industrial use only					2
789	2910203	Molyvan E420 30BM	Accelerator	Non-detonation, primary, delay-action accelerators for NR and synthetic rubbers					2
789	2916001	Molyvan E22 (425 lb drum)	Friction Reducer	Provides oxidation protection to engine oils, industrial oils and greases					2
789	2917102	Molyvan E22 NT	Friction Reducer	Maintain or improve the anti-friction properties of an engine oil					2
789	2917801	Molyvan E22 NT	Friction Reducer	Maintain or improve the anti-friction properties of an engine oil					2
789	2920301	Moflex 55# Bag	Friction Reducer	Used to maintain or improve the anti-friction properties of an engine oil					2
789	3172101	Moflex 55# Bag	Accelerator	An excellent oil soluble molybdenum esteramide friction reducer					2
789	3797603	Sonapox OP5 3021 FW	Stabilizer	Accelerators for the Vulcanization of Rubber					2
789	3797603	Sonapox OP5 3021 FW	Antioxidant	Stabilizer for plastics, coatings and other materials					1
789	3797603	Sonapox OP5 3021 FW	Antioxidant	Antioxidants to prolong the life of plastics					2

Explanation #	Reasoning
	<p data-bbox="1339 378 1388 1837"><u>Tints, Paints, Epoxies, Resins, Sealants, and Other Coating Materials</u></p> <p data-bbox="1185 378 1339 1837">By analogy, any tints, paints, epoxies, resins, sealants, and other coating materials are permissible under CMC section 9141.1's storage designations that specifically allow for the storage of: (i) glass, lumber (no boxes or crates), naval stores, plaster, empty barrels, metal (no scrap), machinery, equipment; (ii) warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods; (iii) clay and clay products; and (iv) petroleum and petroleum products.</p> <p data-bbox="941 378 1185 1837">Next, storage and use of the above materials, whether specifically identified or as a precursor to a specifically identified material, are necessarily included in CMC section 9141.1's manufacturing designations that specifically allow for: (i) perfume, cosmetics, toiletries (except soap); (ii) ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol; (iii) novelties, buttons, brushes, toys, candles; (iv) ceramics, pottery, statuary; (v) jewelry, watches, clocks, optical goods, musical instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type; (vi) furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian blinds, window shades; and (vii) automobiles, trailers, boats, aircraft, heavy equipment.</p> <p data-bbox="795 378 941 1837">The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of Products from the Following Materials": (i) textiles, wool, yarn fur, felt, canvas, leather, hair, feathers, paper, cloth; (ii) bone, horn, shells, cellophane, casein (except glue); (iii) wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin); and (iv) rubber.</p> <p data-bbox="592 378 795 1837">The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of the Following Materials" and "Industrial Activities Involving the Following Processes": (i) cloth, textiles, upholstery, felt, canvas; (ii) sewing, weaving and knitting of textiles, dyeing of yarn and fabrics; (iii) photo-finishing, film developing and processing, photograving, lithography, block printing, silk screening, printing, book binding; (iv) furniture redecorating and restoration, antique restoration, cabinet making, wood carving; (v) raw rubber processing; and (vi) starch mixing and bottling, paint spray booth, shellac mixing (no cooking), paint or enamel mixing (except lacquer, synthetic enamel, polyurethane).</p>

Rubber and Rubber-based Materials

By analogy, rubber (natural or synthetic) and its precursor materials are permissible under CMC section 9141.1's storage designations that specifically allow for the storage of: (i) glass, lumber (no boxes or crates), naval stores, plaster, empty barrels, metal (no scrap), machinery, equipment; (ii) warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods; and (iii) petroleum and petroleum products.

Next, storage and use of the above materials, whether specifically identified or as a precursor to a specifically identified material, are necessarily included in CMC section 9141.1's manufacturing designations that specifically allow for: (i) perfume, cosmetics, toiletries (except soap); (ii) ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol; (iii) novelties, buttons, brushes, toys, candles; (iv) ceramics, pottery, statuary; (v) jewelry, watches, clocks, optical goods, musical instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type; (vi) electric and gas fixtures, electric appliances, electric motors and generators, batteries (including rebuilding), signs (electric, neon, billboards, etc.); (vii) Clothing, dry goods, draperies, bedding, rugs, upholstery, automobile seat covers, awnings, bags, rope, baskets; (viii) furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian blinds, window shades; and (ix) automobiles, trailers, boats, aircraft, heavy equipment.

The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of Products from the Following Materials": (i) textiles, wool, yarn fur, felt, canvas, leather, hair, feathers, paper, cloth; (ii) bone, horn, shells, cellophane, casein (except glue); (iii) wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin); and (iv) rubber.

The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of the Following Materials" and "Industrial Activities Involving the Following Processes": (i) cloth, textiles, upholstery, felt, canvas; (ii) sewing, weaving and knitting of textiles, dyeing of yarn and fabrics; (iii) photo-finishing, film developing and processing, photoengraving, lithography, block printing, silk screening, printing, book binding; (iv) furniture redecorating and restoration, antique restoration, cabinet making, wood carvings; (v) plastic molding (including hydraulic press); (vi) tire retreading and recapping; and (vii) raw rubber processing.

Cosmetics, Hygiene, Personal Care, Shampoo, Vitamins, Food Additives, and Animal Feed

Both explicitly and by analogy, cosmetics, hygiene, personal care, shampoo, vitamins, food additive, and animal feed with their precursor materials are permissible under CMC section 9141.1's storage designations that specifically allow for the storage of: (i) warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods; (ii) clay and clay products; and (iii) petroleum and petroleum products.

Next, storage and use of the above materials, whether specifically identified or as a precursor to a specifically identified material, are necessarily included in CMC section 9141.1's manufacturing designations that specifically allow for: (i) perfume, cosmetics, toiletries (except soap); (ii) ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol; (iii) novelties, buttons, brushes, toys, candles; (iv) ceramics, pottery, statuary; (v) jewelry, watches, clocks, optical goods, musical instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type; (vi) furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian blinds, window shades; and (vii) automobiles, trailers, boats, aircraft, heavy equipment.

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The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of Products from the Following Materials": (i) textiles, wool, yarn fur, felt, canvas, leather, hair, feathers, paper, cloth; (ii) bone, horn, shells, cellophane, casein (except glue); (iii) wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin); and (iv) rubber.

The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of the Following Materials" and "Industrial Activities Involving the Following Processes": (i) dextrin; (ii) cloth, textiles, upholstery, felt, canvas; (iii) sewing, weaving and knitting of textiles, dyeing of yarn and fabrics; (iv) photo-finishing, film developing and processing, photoengraving, lithography, block printing, silk screening, printing, book binding; (v) furniture redecorating and restoration, antique restoration, cabinet making, wood carving; (vi) raw rubber processing; (vi) oil canning and packaging; and (vii) starch mixing and bottling, paint spray booth, shellac mixing (no cooking), paint or enamel mixing (except lacquer, synthetic enamel, polyurethane).

The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Food Manufacturing and Processing": (i) ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, nuts, and similar food products (no lard, pickles, sauerkraut, or vinegar); (ii) box lunch preparation; (iii) fruits and vegetables — packing, canning, processing or extracting or bottling of juices (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility); (iv) fish barbecuing or smoking (oven less than 10 cubic feet, no fish cleaning, retail sales only); (v) dressing of poultry or rabbits (must be at least 100 feet away from any residential zone, public school, public park, hospital or long-term health care facility); and (vi) cigars, cigarettes.

Industrial Materials

Both explicitly and by analogy, industrial materials like metals, paper, and their precursors are permissible under CMC section 9141.1's storage designations that specifically allow for the storage of: (i) glass, lumber (no boxes or crates), naval stores, plaster, empty barrels, metal (no scrap), machinery, equipment; (ii) warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods; (iii) petroleum and petroleum products; and (iv) clay and clay products.

Next, storage and use of the above materials, whether specifically identified or as a precursor to a specifically identified material, are necessarily included in CMC section 9141.1's manufacturing designations that specifically allow for: (i) perfume, cosmetics, toiletries (except soap); (ii) ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol; (iii) novelties, buttons, brushes, toys, candles; (iv) ceramics, pottery, statuary; (v) jewelry, watches, clocks, optical goods, musical instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type; (vi) furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian blinds, window shades; and (vii) automobiles, trailers, boats, aircraft, heavy equipment.

The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of Products from the Following Materials": (i) aluminum, sheet metal, ornamental iron, steel; (ii) textiles, wool, yarn fur, felt, canvas, leather, hair, leathers, paper, cloth; (iii) bone, horn, shells, cellophane, casein (except glue); (iv) wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin); and (v) rubber.

The same logic also applies to allow the above materials as necessarily included in CMC section 9141.1's designation for "Manufacturing of the Following Materials" and "Industrial Activities Involving the Following Processes: (i) cloth, textiles, upholstery, felt, canvas; (ii) sewing, weaving and knitting of textiles, dyeing of yarn and fabrics; (iii) photo-finishing, film developing and processing, photoengraving, lithography, block printing, silk screening, printing, book binding; (iv) furniture redecorating and restoration, antique restoration, cabinet making, wood carving; (v) raw rubber processing; (vi) metal plating and finishing; (vii) metal engraving, metal fabrication (no snap riveting) metal spinning, tool tempering, welding; (viii) foundry (no brass or bronze) - precision investment casting, die casting; and (ix) grinding, dressing or cutting of stone, granite or marble, sand washing.

Barclays Official California Code of Regulations Currentness
 Title 19. Public Safety
 Division 2. California Governor's Office of Emergency Services
 Chapter 4.5. California Accidental Release Prevention (CalARP) Program Detailed Analysis
 Article 8. Regulated Substances for Accidental Release Prevention.

19 CCR § 2770.5

§ 2770.5. List of Substances.

Regulated toxic and flammable substances under Section 112(r) of the federal CAA are the substances listed in Tables 1 and 2. Table 3 lists those regulated substances pursuant to Section 25532(i)(2) of HSC. Threshold quantities for listed toxic and flammable substances are specified in the tables.

Table 1. Federal Regulated Substances List and Threshold Quantities for Accidental Release Prevention

<i>Chemical Name</i>	<i>Also on Table 3^f</i>	<i>CAS Number</i>	<i>Threshold quantity (lbs)</i>	<i>Basis for listing</i>
Acrolein [2-Propenal]	yes	107-02-8	5,000	b
Acrylonitrile [2-Propenenitrile]	yes	107-13-1	20,000	b
Acrylyl chloride [2-Propenoyl chloride]	yes	814-68-6	5,000	b
Allyl alcohol [2-Propen-1-ol]	yes	107-18-6	15,000	b
Allylamine [2-Propen-1-amine]	yes	107-11-9	10,000	b
Ammonia (anhydrous)	yes	7664-41-7	10,000	a,b
Ammonia (conc 20% or greater)	yes	7664-41-7	20,000	a,b
Arsenous trichloride	yes	7784-34-1	15,000	b
Arsine	yes	7784-42-1	1,000	b
Boron trichloride [Borane, trichloro-]	yes	10294-34-5	5,000	b
Boron trifluoride [Borane, trifluoro-]	yes	7637-07-2	5,000	b
Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro [oxybis[metane]]]-, T-4-	yes	353-42-4	15,000	b

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Bromine	yes	7726-95-6	10,000	a,b
Carbon disulfide	yes	75-15-0	20,000	b
Chlorine	yes	7782-50-5	2,500	a,b
Chlorine dioxide [Chlorine oxide(ClO ₂)]	no	10049-04-4	1,000	c
Chloroform [Methane, trichloro-]	yes	67-66-3	20,000	b
Chloromethyl ether [Methane, oxybis(chloro-)]	yes	542-88-1	1,000	b
Chloromethyl methyl ether [Methane, chloromethoxy-]	yes	107-30-2	5,000	b
Crotonaldehyde[2-Butenal]	yes	4170-30-3	20,000	b
Crotonaldehyde,(E)- [2-Butenal,(E)-]	yes	123-73-9	20,000	b
Cyanogen chloride	no	506-77-4	10,000	c
Cyclohexylamine [Cyclohexanamine]	yes	108-91-8	15,000	b
Diborane	yes	19287-45-7	2,500	b
Dimethyl(dichlorosilane [Silane, dichlorodimethyl-]	yes	75-78-5	5,000	b
1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]	yes	57-14-7	15,000	b
Epichlorohydrin [Oxirane,(chloromethyl)-]	yes	106-89-8	20,000	b
Ethylenediamine [1,2-Ethanediamine]	yes	107-15-3	20,000	b
Ethyleneimine [Aziridine]	yes	151-56-4	10,000	b
Ethyleneoxide [Oxirane]	yes	75-21-8	10,000	a,b
Fluorine	yes	7782-41-4	1,000	b
Formaldehyde (solution)	yes	50-00-0	15,000	b
Furan	yes	110-00-9	5,000	b
Hydrazine	yes	302-01-2	15,000	b
Hydrochloric acid (conc 37% or greater)	no	7647-01-0	15,000	d
Hydrocyanic acid	yes	74-90-8	2,500	a,b
Hydrogen chloride (anhydrous) [Hydrochloric acid]	yes	7647-01-0	5,000	a
Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater)				

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[Hydrofluoric acid]	yes	7664-39-3	1,000	a,b
Hydrogen selenide	yes	7783-07-5	500	b
Hydrogen sulfide	yes	7783-06-4	10,000	a,b
Iron, pentacarbonyl-[Iron carbonyl (Fe(CO) ₅),(TB-5-11)-]	yes	13463-40-6	2,500	b
Isobutyronitrile [Propanenitrile, 2-methyl-]	yes	78-82-0	20,000	b
Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester]	yes	108-23-6	15,000	b
Methacrylonitrile [2-Propenenitrile, 2- methyl-]	yes	126-98-7	10,000	b
Methyl chloride [Methane, chloro-]	no	74-87-3	10,000	a
Methyl chloroformate [Carbonochloridic acid, methylester]	yes	79-22-1	5,000	b
Methyl hydrazine [Hydrazine, methyl-]	yes	60-34-4	15,000	b
Methyl isocyanate [Methane, isocyanato-]	yes	624-83-9	10,000	a,b
Methyl mercaptan [Methanethiol]	yes	74-93-1	10,000	b
Methyl thiocyanate [Thiocyanic acid, methyl ester]	yes	556-64-9	20,000	b
Methyltrichlorosilane [Silane, trichloromethyl-]	yes	75-79-0	5,000	b
Nickel carbonyl	yes	13463-39-3	1,000	b
Nitric acid (cone 80% or greater)	yes	7697-37-2	15,000	b
Nitric oxide [Nitrogen oxide (NO)]	yes	10102-43-9	10,000	b
Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide] ¹	no	8014-95-7	10,000	e
Peracetic acid [Ethaneperoxoic acid]	yes	79-21-0	10,000	b
Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-]	yes	594-42-3	10,000	b
Phosgene [Carbonic dichloride]	yes	75-44-5	500	a,b
Phosphine	yes	7803-51-2	5,000	b

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Phosphorus oxychloride [Phosphoryl chloride]	yes	10025-87-3	5,000	b
Phosphorus trichloride [Phosphorous trichloride]	yes	7719-12-2	15,000	b
Piperidine	yes	110-89-4	15,000	b
Propionitrile [Propanenitrile]	yes	107-12-0	10,000	b
Propyl chloroformate [Carbonochloridic acid, propylester]	yes	109-61-5	15,000	b
Propyleneimine [Aziridine,2-methyl-]	yes	75-55-8	10,000	b
Propylene oxide [Oxirane, methyl-]	yes	75-56-9	10,000	b
Sulfur dioxide (anhydrous)	yes	7446-09-5	5,000	a,b
Sulfur tetrafluoride [Sulfur fluoride (SF ₄), (T-4)-]	yes	7783-60-0	2,500	b
Sulfur trioxide	yes	7446-11-9	10,000	a,b
Tetramethyllead [Plumbane, tetramethyl-]	yes	75-74-1	10,000	b
Tetranitromethane [Methane, tetranitro-]	yes	509-14-8	10,000	b
Titanium tetrachloride [Titanium chloride (TiCl ₄) (T-4)-]	yes	7550-45-0	2,500	b
Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-				
methyl-] ¹	yes	584-84-9	10,000	a
Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-				
methyl-] ¹	yes	91-08-7	10,000	a
Toluene diisocyanate (unspecified isomer)				
[Benzene,1,3-diisocyanatomethyl-] ¹	no	26471-62-5	10,000	a
Trimethylchlorosilane [Silane, chlorotrimethyl-]	yes	75-77-4	10,000	b
Vinyl acetate monomer [Acetic acid ethenyl ester]	yes	108-05-4	15,000	b

1 The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where this regulated substance is handled at partial pressures below 10mm Hg does not apply to this substance.

Note - Basis for Listing:

- a Mandated for listing by Congress.
- b On EHS list, vapor pressure 10 mmHg or greater.
- c Toxic gas.
- d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents.
- e Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents.
- f This column identifies substances which may appear on Table 3. Table 3 may not have concentration limitations.

Table 2. Federal Regulated Flammable Substances List ¹ and Threshold Quantities for Accidental Release Prevention

<i>Chemical Name</i>	<i>CAS Number</i>	<i>Threshold quantity (lbs)</i>	<i>Basis for listing</i>
Acetaldehyde	75-07-0	10,000	g
Acetylene [Ethyne]	74-86-2	10,000	f
Bromotrifluoroethylene [Ethene, bromotrifluoro-]	598-73-2	10,000	f
1,3-Butadiene	106-99-0	10,000	f
Butane	106-97-8	10,000	f
1-Butene	106-98-9	10,000	f
2-Butene	107-01-7	10,000	f
Butene	25167-67-3	10,000	f
2-Butene-cis	590-18-1	10,000	f
2-Butene-trans [2-Butene, (E)]	624-64-6	10,000	f
Carbon oxysulfide [Carbon oxide sulfide (COS)]	463-58-1	10,000	f
Chlorine monoxide [Chlorine oxide]	7791-21-1	10,000	f

2-Chloropropylene [1-Propene, 2-chloro-]	557-98-2	10,000	g
1-Chloropropylene [1-Propene, 1-chloro-]	590-21-6	10,000	g
Cyanogen [Ethanedinitrile]	460-19-5	10,000	f
Cyclopropane	75-19-4	10,000	f
Dichlorosilane [Silane, dichloro-]	4109-96-0	10,000	f
Difluoroethane [Ethane, 1,1-difluoro-]	75-37-6	10,000	f
Dimethylamine [Methanamine, N-methyl-]	124-40-3	10,000	f
2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	463-82-1	10,000	f
Ethane	74-84-0	10,000	f
Ethyl acetylene [1-Butyne]	107-00-6	10,000	f
Ethylamine [Ethanamine]	75-04-7	10,000	f
Ethyl chloride [Ethane, chloro-]	75-00-3	10,000	f
Ethylene [Ethene]	74-85-1	10,000	f
Ethyl ether [Ethane, 1,1'-oxybis-]	60-29-7	10,000	g
Ethyl mercaptan [Ethanethiol]	75-08-1	10,000	g
Ethyl nitrite [Nitrous acid, ethyl ester]	109-95-5	10,000	f
Hydrogen	1333-74-0	10,000	f
Isobutane [Propane, 2-methyl]	75-28-5	10,000	f
Isopentane [Butane, 2-methyl-]	78-78-4	10,000	g
Isoprene [1,3-Butadiene, 2-methyl-]	78-79-5	10,000	g
Isopropylamine [2-Propanamine]	75-31-0	10,000	g
Isopropyl chloride [Propane, 2-chloro-]	75-29-6	10,000	g
Methane	74-82-8	10,000	f
Methylamine [Methanamine]	74-89-5	10,000	f
3-Methyl-1-butene	563-45-1	10,000	f
2-Methyl-1-butene	563-46-2	10,000	g
Methyl ether [Methane, oxybis-]	115-10-6	10,000	f
Methyl formate [Formic acid, methyl ester]	107-31-3	10,000	g
2-Methylpropene [1-Propene, 2-methyl-]	115-11-7	10,000	f

1,3-Pentadiene	504-60-9	10,000	f
Pentane	109-66-0	10,000	g
1-Pentene	109-67-1	10,000	g
2-Pentene, (E)-	646-04-8	10,000	g
2-Pentene, (Z)-	627-20-3	10,000	g
Propadiene [1,2-Propadiene]	463-49-0	10,000	f
Propane	74-98-6	10,000	f
Propylene [1-Propene]	115-07-1	10,000	f
Propyne [1-Propyne]	74-99-7	10,000	f
Silane	7803-62-5	10,000	f
Tetrafluoroethylene [Ethene, tetrafluoro-]	116-14-3	10,000	f
Tetramethylsilane [Silane, tetramethyl-]	75-76-3	10,000	g
Trichlorosilane [Silane, trichloro-]	10025-78-2	10,000	g
Trifluorochloroethylene [Ethene, chlorotrifluoro-]	79-38-9	10,000	f
Trimethylamine [Methanamine, N,N-dimethyl-]	75-50-3	10,000	f
Vinyl acetylene [1-Buten-3-yne]	689-97-4	10,000	f
Vinyl chloride [Ethene, chloro-]	75-01-4	10,000	a,f
Vinyl ethyl ether [Ethene, ethoxy-]	109-92-2	10,000	g
Vinyl fluoride [Ethene, fluoro-]	75-02-5	10,000	f
Vinylidene chloride [Ethene, 1,1-dichloro-]	75-35-4	10,000	g
Vinylidene fluoride [Ethene, 1,1-difluoro-]	75-38-7	10,000	f
Vinylmethyl ether [Ethene, methoxy-]	107-25-5	10,000	f

¹ A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this chapter (see Section 2770.4.1).

Note - Basis for Listing:

a Mandated for listing by Congress.

f Flammable gas.

g Volatile flammable liquid.

Table 3. State Regulated Substances List and Threshold Quantities for Accidental Release Prevention

<i>Chemical Name</i>	<i>Also on Table 1¹</i>	<i>CAS Number</i>	<i>State Threshold quantity (lbs)</i>
Acetone Cyanohydrin ²	no	75-86-5	1,000
Acetone Thiosemicarbazide	no	1752-30-3	1,000/10,000 ³
Acrolein	yes	107-02-8	500
Acrylamide	no	79-06-1	1,000/10,000 ³
Acrylonitrile	yes	107-13-1	10,000
Acrylyl Chloride	yes	814-68-6	100
Aldicarb	no	116-06-3	100/10,000 ³
Aldrin	no	309-00-2	500/10,000 ³
Allyl Alcohol	yes	107-18-6	1,000
Allylamine	yes	107-11-9	500
Aluminum Phosphide ⁴	no	20859-73-8	500
Aminopterin	no	54-62-6	500/10,000 ³
Amiton Oxalate	no	3734-97-2	100/10,000 ³
Ammonia ⁵	yes	7664-41-7	500
Aniline ²	no	62-53-3	1,000
Antimycin A	no	1397-94-0	1,000/10,000 ³
ANTU	no	86-88-4	500/10,000 ³

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Arsenic Pentoxide	no	1303-28-2	100/10,000 ³
Arsenous Oxide	no	1327-53-3	100/10,000 ³
Arsenous Trichloride	yes	7784-34-1	500
Arsine	yes	7784-42-1	100
Azinphos-Ethyl	no	2642-71-9	100/10,000 ³
Azinphos-Methyl	no	86-50-0	10/10,000 ³
Benzene, 1-(Chloromethyl)-4-Nitro-	no	100-14-1	500/10,000 ³
Benzeneearsonic Acid	no	98-05-5	10/10,000 ³
Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	no	3615-21-2	500/10,000 ³
Benzotrichloride ²	no	98-07-7	100
Bicyclo[2.2.1] Heptane-2-Carbonitrile, 5-Chloro- 6-(((Methylamino	no	15271-41-7	500/10,000 ³
Carbonyl)Oxy)Imino)-, (1s-(1-alpha, 2-beta, 4-alpha, 5-alpha, 6E))-			
Bis(Chloromethyl) Ketone	no	534-07-6	10/10,000 ³
Bitoscanate	no	4044-65-9	500/10,000 ³
Boron Trichloride	yes	10294-34-5	500
Boron Trifluoride	yes	7637-07-2	500
Boron Trifluoride Compound w/ Methyl Ether (1:1)	yes	353-42-4	1,000
Bromadiolone	no	28772-56-7	100/10,000 ³
Bromine	yes	7726-95-6	500
Cadmium Oxide	no	1306-19-0	100/10,000 ³
Cadmium Stearate	no	2223-93-0	1,000/10,000 ³
Calcium Arsenate	no	7778-44-1	500/10,000 ³
Camphechlor	no	8001-35-2	500/10,000 ³
Cantharidin	no	56-25-7	100/10,000 ³
Carbachol Chloride	no	51-83-2	500/10,000 ³

Carbamic Acid, Methyl-,o-((2,4-Dimethyl-1,3-Dithiolan-2-yl)Methylene) Amino)-.	no	26419-73-8	100/10,000 ³
Carbofuran	no	1563-66-2	10/10,000 ³
Carbon Disulfide	yes	75-15-0	10,000
Chlorine	yes	7782-50-5	100
Chlormequat Chloride	no	999-81-5	100/10,000 ³
Chloroacetic Acid	no	79-11-8	100/10,000 ³
Chloroform	yes	67-66-3	10,000
Chloromethyl Ether	yes	542-88-1	100
Chloromethyl Methyl Ether	yes	107-30-2	100
Chlorophacinone	no	3691-35-8	100/10,000 ³
Chloroxuron	no	1982-47-4	500/10,000 ³
Chromic Chloride	no	10025-73-7	1/10,000 ³
Cobalt Carbonyl	no	10210-68-1	10/10,000 ³
Cobalt, ((2,2'-(1,2-Ethanediy)bis (Nitrilomethylidyne))	no	62207-76-5	100/10,000 ³
Bis(6-Fluorophenolato))(2-)-N,N',O,O')-.			
Colchicine	no	64-86-8	10/10,000 ³
Coumaphos	no	56-72-4	100/10,000 ³
Coumatetralyl	no	5836-29-3	500/10,000 ³
Cresol, o-	no	95-48-7	1,000/10,000 ³
Crimidine	no	535-89-7	100/10,000 ³
Crotonaldehyde	yes	4170-30-3	1,000
Crotonaldehyde, (E)-	yes	123-73-9	1,000
Cyanogen Bromide	no	506-68-3	500/10,000 ³
Cyanogen Iodide	no	506-78-5	1,000/10,000 ³
Cyanuric Fluoride	no	675-14-9	100

Cycloheximide	no	66-81-9	100/10,000 ³
Cyclohexylamine	yes	108-91-8	10,000
Decaborane(14)	no	17702-41-9	500/10,000 ³
Dialifor	no	10311-84-9	100/10,000 ³
Diborane	yes	19287-45-7	100
Diepoxybutane ²	no	1464-53-5	500
Digitoxin	no	71-63-6	100/10,000 ³
Digoxin	no	20830-75-5	10/10,000 ³
Dimethoate	no	60-51-5	500/10,000 ³
Dimethyldichlorosilane	yes	75-78-5	500
Dimethylhydrazine	yes	57-14-7	1,000
Dimethyl-p-Phenylenediamine	no	99-98-9	10/10,000 ³
Dimethyl Sulfate ²	no	77-78-1	500
Dimetilan	no	644-64-4	500/10,000 ³
Dinitrocresol	no	534-52-1	10/10,000 ³
Dinoseb	no	88-85-7	100/10,000 ³
Dinoterb	no	1420-07-1	500/10,000 ³
Diphacinone	no	82-66-6	10/10,000 ³
Disulfoton ²	no	298-04-4	500
Dithiazanine Iodide	no	514-73-8	500/10,000 ³
Dithiobiuret	no	541-53-7	100/10,000 ³
Emetine, Dihydrochloride	no	316-42-7	1/10,000
Endosulfan	no	115-29-7	10/10,000 ³
Endothion	no	2778-04-3	500/10,000 ³
Endrin	no	72-20-8	500/10,000 ³
Epichlorohydrin	yes	106-89-8	1,000

EPN	no	2104-64-5	100/10,000 ³
Ergocalciferol	no	50-14-6	1,000/10,000 ³
Ergotamine Tartrate	no	379-79-3	500/10,000 ³
Ethylenediamine	yes	107-15-3	10,000
Ethylene Fluorohydrin	no	371-62-0	10
Ethyleneimine	yes	151-56-4	500
Ethylene Oxide	yes	75-21-8	1,000
Fenamiphos	no	22224-92-6	10/10,000 ³
Fluenetil	no	4301-50-2	100/10,000 ³
Fluorine	yes	7782-41-4	500
Fluoroacetamide	no	640-19-7	100/10,000 ³
Fluoroacetic Acid	no	144-49-0	10/10,000 ³
Fluoroacetyl Chloride	no	359-06-8	10
Fluorouracil	no	51-21-8	500/10,000 ³
Formaldehyde ⁵	yes	50-00-0	500
Formetanate Hydrochloride	no	23422-53-9	500/10,000 ³
Formparanate	no	17702-57-7	100/10,000 ³
Fuberidazole	no	3878-19-1	100/10,000 ³
Furan	yes	110-00-9	500
Gallium Trichloride	no	13450-90-3	500/10,000 ³
Hydrazine	yes	302-01-2	1,000
Hydrocyanic Acid	yes	74-90-8	100
Hydrogen Chloride (gas only)	yes	7647-01-0	500
Hydrogen Fluoride	yes	7664-39-3	100
Hydrogen Selenide	yes	7783-07-5	10
Hydrogen Sulfide	yes	7783-06-4	500
Hydroquinone ⁶	no	123-31-9	500/10,000 ³

Iron, Pentacarbonyl-	yes	13463-40-6	100
Isobenzan	no	297-78-9	100/10,000 ³
Isobutyronitrile	yes	78-82-0	1,000
Isocyanic Acid, 3,4-Dichlorophenyl Ester	no	102-36-3	500/10,000 ³
Isodrin	no	465-73-6	100/10,000 ³
Isophorone Diisocyanate	no	4098-71-9	100
Isopropyl Chloroformate	yes	108-23-6	1,000
Leptophos	no	21609-90-5	500/10,000 ³
Lewisite ²	no	541-25-3	10
Lindane	no	58-89-9	1,000/10,000 ³
Lithium Hydride ⁴	no	7580-67-8	100
Malononitrile	no	109-77-3	500/10,000 ³
Manganese, Tricarbonyl Methylcyclopentadienyl ²	no	12108-13-3	100
Mechlorethamine ²	no	51-75-2	10
Mercuric Acetate	no	1600-27-7	500/10,000 ³
Mercuric Chloride	no	7487-94-7	500/10,000 ³
Mercuric Oxide	no	21908-53-2	500/10,000 ³
Methacrylonitrile	yes	126-98-7	500
Methacryloyl Chloride	no	920-46-7	100
Methacryloyloxyethyl Isocyanate	no	30674-80-7	100
Methamidophos	no	10265-92-6	100/10,000 ³
Methanesulfonyl Fluoride	no	558-25-8	1,000
Methidathion	no	950-37-8	500/10,000 ³
Methiocarb	no	2032-65-7	500/10,000 ³
Methomyl	no	16752-77-5	500/10,000 ³
Methoxyethylmercuric Acetate	no	151-38-2	500/10,000 ³

Methyl Bromide	no	74-83-9	1,000
Methyl 2-Chloroacrylate	no	80-63-7	500
Methyl Chloroformate	yes	79-22-1	500
Methyl Hydrazine	yes	60-34-4	500
Methyl Isocyanate	yes	624-83-9	500
Methyl Isothiocyanate ⁴	no	556-61-6	500
Methyl Mercaptan	yes	74-93-1	500
Methylmercuric Dicyanamide	no	502-39-6	500/10,000 ³
Methyl Phosphonic Dichloride ⁴	no	676-97-1	100
Methyl Thiocyanate	yes	556-64-9	10,000
Methyltrichlorosilane	yes	75-79-6	500
Methyl Vinyl Ketone	no	78-94-4	10
Metolcarb	no	1129-41-5	100/10,000 ³
Mexacarbate	no	315-18-4	500/10,000 ³
Mitomycin C	no	50-07-7	500/10,000 ³
Monocrotophos	no	6923-22-4	10/10,000 ³
Muscimol	no	2763-96-4	500/10,000 ³
Mustard Gas ²	no	505-60-2	500
Nickel Carbonyl	yes	13463-39-3	1
Nicotine Sulfate	no	65-30-5	100/10,000 ³
Nitric Acid	yes	7697-37-2	1,000
Nitric Oxide	yes	10102-43-9	100
Nitrobenzene ²	no	98-95-3	10,000
Nitrogen Dioxide	no	10102-44-0	100
Norbormide	no	991-42-4	100/10,000 ³
Organorhodium Complex (PMN-82-147)	no	MIXTURE	10/10,000 ³
Ouabain	no	630-60-4	100/10,000 ³

Oxamyl	no	23135-22-0	100/10,000 ³
Ozone	no	10028-15-6	100
Paraquat Dichloride	no	1910-42-5	10/10,000 ³
Paraquat Methosulfate	no	2074-50-2	10/10,000 ³
Parathion-Methyl	no	298-00-0	100/10,000 ³
Paris Green	no	12002-03-8	500/10,000 ³
Pentaborane	no	19624-22-7	500
Pentadecylamine	no	2570-26-5	100/10,000 ³
Peracetic Acid	yes	79-21-0	500
Perchloromethylmercaptan	yes	594-42-3	500
Phenol	no	108-95-2	500/10,000 ³
Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-	no	4418-66-0	100/10,000 ³
Phenol, 3-(1-Methylethyl)-, Methylcarbamate	no	64-00-6	500/10,000 ³
Phenoxarsine, 10, 10' - Oxydi-	no	58-36-6	500/10,000 ³
Phenyl Dichloroarsine ²	no	696-28-6	500
Phenylhydrazine Hydrochloride	no	59-88-1	1,000/10,000 ³
Phenylmercury Acetate	no	62-38-4	500/10,000 ³
Phenylsilatrane	no	2097-19-0	100/10,000 ³
Phenylthiourea	no	103-85-5	100/10,000 ³
Phorate	no	298-02-2	10
Phosacetim	no	4104-14-7	100/10,000 ³
Phosfolan	no	947-02-4	100/10,000 ³
Phosgene	yes	75-44-5	10
Phosmet	no	732-11-6	10/10,000 ³
Phosphine	yes	7803-51-2	500
Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-			

Ethyl Ester. ²	no	50782-69-9	100
Phosphorus ⁴	no	7723-14-0	100
Phosphorus Oxychloride	yes	10025-87-3	500
Phosphorus Pentachloride ⁴	no	10026-13-8	500
Phosphorus Trichloride	yes	7719-12-2	1,000
Physostigmine	no	57-47-6	100/10,000 ³
Physostigmine, Salicylate (1:1)	no	57-64-7	100/10,000 ³
Picrotoxin	no	124-87-8	500/10,000 ³
Piperidine	yes	110-89-4	1,000
Potassium Arsenite	no	10124-50-2	500/10,000 ³
Potassium Cyanide ⁴	no	151-50-8	100
Potassium Silver Cyanide ⁴	no	506-61-6	500
Promecarb	no	2631-37-0	500/10,000 ³
Propargyl Bromide	no	106-96-7	10
Propiolactone, Beta- ²	no	57-57-8	500
Propionitrile	yes	107-12-0	500
Propiophenone, 4-Amino-	no	70-69-9	100/10,000 ³
Propyl Chloroformate	yes	109-61-5	500
Prothoate	no	2275-18-5	100/10,000 ³
Pyrene	no	129-00-0	1,000/10,000 ³
Pyridine, 4-Amino-	no	504-24-5	500/10,000 ³
Pyridine, 4-Nitro-, 1-Oxide	no	1124-33-0	500/10,000 ³
Pyriminil	no	53558-25-1	100/10,000 ³
Salcomine	no	14167-18-1	500/10,000 ³
Sarin ²	no	107-44-8	10
Selenious Acid	no	7783-00-8	1,000/10,000 ³

Semicarbazide Hydrochloride	no	563-41-7	1,000/10,000 ³
Sodium Arsenate	no	7631-89-2	1,000/10,000 ³
Sodium Arsenite	no	7784-46-5	500/10,000 ³
Sodium Azide (Na (N ₃)) ⁴	no	26628-22-8	500
Sodium Cacodylate	no	124-65-2	100/10,000 ³
Sodium Cyanide (Na (CN)) ⁴	no	143-33-9	100
Sodium Fluoroacetate	no	62-74-8	10/10,000 ³
Sodium Selenate	no	13410-01-0	100/10,000 ³
Sodium Selenite	no	10102-18-8	100/10,000 ³
Sodium Tellurite	no	10102-20-2	500/10,000 ³
Stannane, Acetoxytriphenyl-	no	900-95-8	500/10,000 ³
Strychnine	no	57-24-9	100/10,000 ³
Strychnine Sulfate	no	60-41-3	100/10,000 ³
Sulfur Dioxide	yes	7446-09-5	500
Sulfuric Acid ⁷	no	7664-93-9	1,000
Sulfur Tetrafluoride	yes	7783-60-0	100
Sulfur Trioxide ⁴	yes	7446-11-9	100
Tabun ²	no	77-81-6	10
Tellurium Hexafluoride	no	7783-80-4	100
Tetramethyllead	yes	75-74-1	100
Tetranitromethane	yes	509-14-8	500
Thallium Sulfate	no	10031-59-1	100/10,000 ³
Thallos Carbonate	no	6533-73-9	100/10,000 ³
Thallos Chloride	no	7791-12-0	100/10,000 ³
Thallos Malonate	no	2757-18-8	100/10,000 ³
Thallos Sulfate	no	7446-18-6	100/10,000 ³

Thiocarbazide	no	2231-57-4	1,000/10,000 ³
Thiofanox	no	39196-18-4	100/10,000 ³
Thiosemicarbazide	no	79-19-6	100/10,000 ³
Thiourea, (2-Chlorophenyl)-	no	5344-82-1	100/10,000 ³
Thiourea, (2-Methylphenyl)-	no	614-78-8	500/10,000 ³
Titanium Tetrachloride	yes	7550-45-0	100
Toluene-2,4-Diisocyanate ⁸	yes	584-84-9	500
Toluene-2,6-Diisocyanate ⁸	yes	91-08-7	100
Triamiphos	no	1031-47-6	500/10,000 ³
Trichloro(Chloromethyl)Silane	no	1558-25-4	100
Trichloro(Dichlorophenyl)Silane	no	27137-85-5	500
Triethoxysilane	no	998-30-1	500
Trimethylchlorosilane	yes	75-77-4	1,000
Trimethylolpropane Phosphite	no	824-11-3	100/10,000 ³
Trimethyltin Chloride	no	1066-45-1	500/10,000 ³
Triphenyltin Chloride	no	639-58-7	500/10,000 ³
Tris(2-Chloroethyl)Amine ²	no	555-77-1	100
Valinomycin	no	2001-95-8	1,000/10,000 ³
Vanadium Pentoxide	no	1314-62-1	100/10,000 ³
Vinyl Acetate Monomer	yes	108-05-4	1,000
Warfarin	no	81-81-2	500/10,000 ³
Warfarin Sodium	no	129-06-6	100/10,000 ³
Xylylene Dichloride	no	28347-13-9	100/10,000 ³
Zinc, Dichloro(4,4-Dimethyl-5((((Methylamino) Carbonyl)Oxy)Imino) Pentanenitrile)-, (T-4)-.	no	58270-08-9	100/10,000 ³

Zinc Phosphide ⁴	no	1314-84-7	500
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1 This column identifies substances which may appear on Table 1. Table 1 may have concentration limitations

2 Substances that failed the evaluation pursuant to Section 25532(g)(2) of the HSC but remain listed pursuant to potential health impacts. The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

3 These extremely hazardous substances are solids. The lesser quantity listed applies only if in powdered form and with a particle size of less than 100 microns; or if handled in solution or in molten form; or the substance has an NFPA rating for reactivity of 2, 3, or 4. Otherwise, a 10,000 pound threshold applies. The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

4 These extremely hazardous substances are reactive solids. The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

5 Appropriate synonyms or mixtures of extremely hazardous substances with the same CAS number are also regulated, e.g., formalin. The listing of ammonia includes anhydrous and aqueous forms of ammonia pursuant to Section 25532(g)(2).

6 Hydroquinone is exempt in crystalline form.

7 Sulfuric acid fails the evaluation pursuant to Section 25532(g)(2) of the HSC but remains listed as a Regulated Substance only under the following conditions:

a. If concentrated with greater than 100 pounds of sulfur trioxide or the acid meets the definition of oleum. (The Table 3 threshold for sulfur trioxide is 100 pounds.) (The Table 1 threshold for oleum is 10,000 pounds.)

b. If in a container with flammable hydrocarbons (flash point < 73^oF).

8 The exemption in Section 2770.2(b)(1)(B) regarding portions of a process where these regulated substances are handled at partial pressures below 10 mm Hg does not apply to these substances.

Note: Authority cited: Sections 25531 and 25534.05, Health and Safety Code. Reference: Sections 25532(i)(2) and 25543.3, Health and Safety Code; and Section 68.130, Part 68, Title 40, Code of Federal Regulations.

HISTORY

1. New section and Tables 1-3 filed 7-10-97 as an emergency; operative 7-10-97 (Register 97, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-7-97 or emergency language will be repealed by operation of law on the following day.

2. New section and Tables 1-3 refiled 10-31-97 as an emergency; operative 11-7-97 (Register 97, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-9-98 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of Tables 1 and 3 (Register 98, No. 11).
4. New section and Tables 1-3 refiled 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
5. New section and Tables 1-3 refiled 7-7-98 as an emergency; operative 7-7-98 (Register 98, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-4-98 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-7-98 order, including repealer and new section and repealer and new Tables 1-3, transmitted to OAL 10-7-98 and filed 11-16-98 (Register 98, No. 47).
7. Amendment of Table 2 adding new footnote filed 10-10-2002; operative 10-10-2002. Submitted to OAL for printing only pursuant to Health and Safety Code section 25533 (Register 2002, No. 41).
8. Amendment of Table 3 filed 10-8-2014; operative 1-1-2015 (Register 2014, No. 41).
9. Amendment of section and Note filed 8-3-2017; operative 10-1-2017 (Register 2017, No. 31).

This database is current through 4/30/21 Register 2021, No. 18

19 CCR § 2770.5, 19 CA ADC § 2770.5

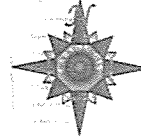
FACILITY_NAME	SITE_ADDRESS	CITY	STATE	ZIP
INEOS POLYPROPYLENE LLC	2384 E 223RD ST	CARSON	CA	90810
PRAXAIR, INC - 578	2006 E 223RD ST	CARSON	CA	90810
Air Products and Chemicals, Inc. - Carson	23300 S ALAMEDA ST	CARSON	CA	90810
ARCTIC GLACIER USA INC	17011 CENTRAL AVE	CARSON	CA	90746
CARSON HYBRID ENERGY STORAGE	17171 S CENTRAL AVE	CARSON	CA	90746
MATERIAL LOGISTICS AND SERVICES	20455 S REEVES AVE	CARSON	CA	90810
SOLVAY USA, INC.	20851 S SANTA FE AVE	CARSON	CA	90810
TESORO REFINING AND MARKETING COMPANY LLC	1801 E SEPULVEDA BLVD	CARSON	CA	90745
Messer LLC	1290 E SEPULVEDA BLVD	CARSON	CA	90745
PHILLIPS 66 COMPANY, CARSON PLANT	1520 E SEPULVEDA BLVD	CARSON	CA	90745
HUCK INTERNATIONAL INC.	900 WATSON CENTER RD	CARSON	CA	90745
ECO SERVICES OPERATIONS LLC	20720 S WILMINGTON AVE	CARSON	CA	90810
UNIVAR SOLUTIONS USA INC.	20915 S WILMINGTON AVE	CARSON	CA	90810
CAPSTAN CALIFORNIA	16110 S FIGUEROA ST	CARSON	CA	90248
AMERICOLD	1610 E SEPULVEDA BLVD	CARSON	CA	90745

All CalARP

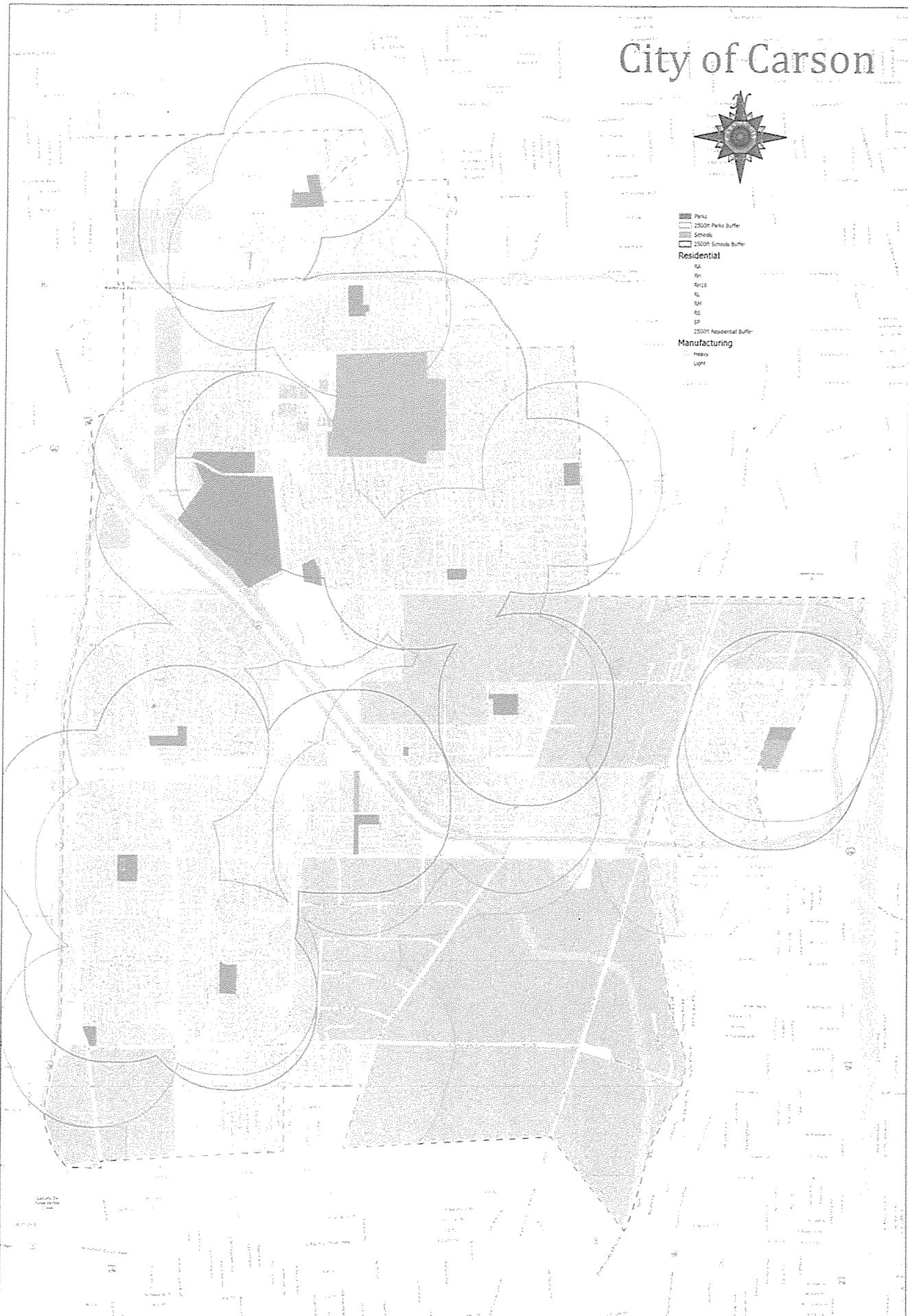
EXHIBIT NO. 3

EXHIBIT NO. 1C

City of Carson



- Parks
- 2500ft Parks Buffer
- Schools
- 2500ft Schools Buffer
- Residential**
- RA
- RH
- RM
- RL
- RN
- RS
- SP
- 2500ft Residential Buffer
- Manufacturing**
- Heavy
- Light

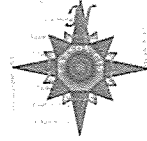


Hazmat Sensitive Uses

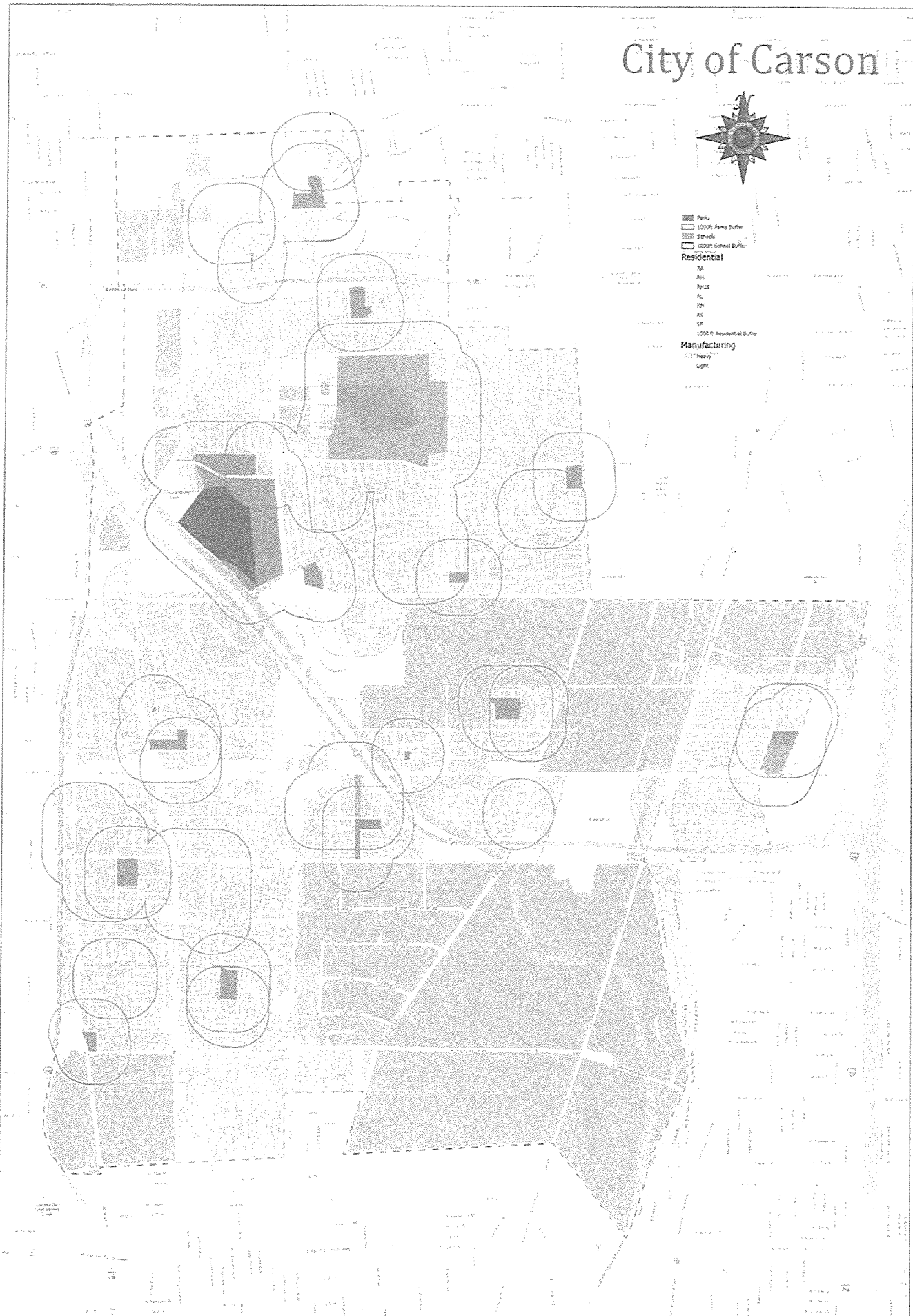
EXHIBIT NO. 4

EXHIBIT NO. 1D

City of Carson



- Parks
- 1000ft Parks Buffer
- Schools
- 1000ft School Buffer
- Residential**
- RA
- RM
- RM-2
- RL
- RM
- RS
- SR
- 1000 ft Residential Buffer
- Manufacturing**
- Heavy
- Light



Hazmat Sensitive Uses

FACILITY_NAME	SITE_ADDRESS	CITY	ZIP	LAST ROUTINE INSPECTION	Violations
INEOS POLYPROPYLENE LLC	2384 E 223RD ST	CARSON	90810	1/15/2019 N/A	
PRAXAIR, INC - 578	2006 E 223RD ST	CARSON	90810	8/20/2019 H115, H178, H195, H258, H174	
Air Products and Chemicals, Inc. - Carson	23300 S ALAMEDA ST	CARSON	90810	9/6/2017 H116, H131, H165, H266	
ARCTIC GLACIER USA INC	17011 CENTRAL AVE	CARSON	90746	8/27/2020 H115, H161, H260, H222, H139, H267, H270, H210, H170, H243, H153	
CARSON HYBRID ENERGY STORAGE	17171 S CENTRAL AVE	CARSON	90746	11/25/2019 N/A	
MATERIAL LOGISTICS AND SERVICES	20455 S REEVES AVE	CARSON	90810	2/20/2020 H155, H176, H266, H792, H207, H232, H248, H240, H138, H152, H130	
SOLVAY USA, INC.	20851 S SANTA FE AVE	CARSON	90810	2/13/2018 H222	
TESORO REFINING AND MARKETING COMPANY LLC	1801 E SEPULVEDA BLVD	CARSON	90745	Currently being inspected	
Messer LLC	1290 E SEPULVEDA BLVD	CARSON	90745	3/19/2018 H116, H131, H159, H141, H173	
PHILLIPS 66 COMPANY, CARSON PLANT	1520 E SEPULVEDA BLVD	CARSON	90745	6/25/2020 H115, H128, H126, H023, H064, H122, H265, H031, H026, H074, H112, H002, H109,	
HUCK INTERNATIONAL INC.	900 WATSON CENTER RD	CARSON	90745	6/16/2020 N/A	
ECO SERVICES OPERATIONS LLC	20720 S WILMINGTON AVE	CARSON	90810	7/26/2018 N/A	
UNIVAR SOLUTIONS USA INC.	20915 S WILMINGTON AVE	CARSON	90810	2/26/2018 N/A	
CAPSTAN CALIFORNIA	16110 S FIGUEROA ST	CARSON	90248	8/29/2017 H785, H194, H164, H138, H248	
AMERICOLD	1610 E SEPULVEDA BLVD	CARSON	90745	10/10/2019 N/A	

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT “ORDINANCE NO. 21-___, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES AND HAZARDOUS MATERIALS, AND ADDING SECTION 9182.46 (NONCONFORMITY FOR USE OR STORAGE OF REGULATED SUBSTANCES AND HAZARDOUS MATERIALS) TO DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) REGARDING NONCONFORMITIES FOR USE OF REGULATED SUBSTANCES” (ZONE TEXT AMENDMENT NO. 187-2021)

WHEREAS, pursuant to a letter dated February 21, 2020 and a response letter dated March 20, 2021 (copies of which are attached to the staff report submitted herewith and incorporated herein by reference), the City of Carson (“City”) received a request from John P. Kinsey, Esq., on behalf of Inland Star Distribution Centers, Inc., pursuant to Carson Municipal Code (“CMC”) Section 9172.11(A), for a text amendment to CMC Section 9141.1, a part of the Carson Zoning Ordinance (Chapter 1 of Article IX of the CMC), regarding the permitted uses for storage of materials in the City’s industrial zones (the “Request”); and

WHEREAS, following public hearings on April 13, 2021 and June 22, 2021 conducted by the Planning Commission and a public hearing held by the City Council on May 18, 2021, on July 27, 2021, the Planning Commission held a duly noticed public hearing as required by law to consider the Request. In so doing, the Planning Commission is recommending that the City Council approve Zone Text Amendment No. 187-2021 to modify CMC Section 9141.1 to provide (i) that land uses involving “Regulated Substances” in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones at or above the “Threshold Quantity” are prohibited, (ii) that land uses involving “Regulated Substances” below the “Threshold Quantity” and land uses involving non-CalARP “Hazardous Materials” of any quantity, in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones, be made subject to issuance of a conditional use permit, and (iii) for an expanded list of non-CalARP, nonhazardous substances that are automatically permitted uses for indoor storage, and permitted subject to Director approval for outdoor storage. The recommended prohibition of uses involving “Regulated Substances” at or above a threshold quantity would apply irrespective of whether the use involves only storage of “Regulated Substances,” storage of “Regulated Substances” in connection with any manufacturing process, or manufacturing involving “Regulated

Substances.” Regulated Substances, Threshold Quantity and Hazardous Materials are defined in Zone Text Amendment No. 187-2021; and

WHEREAS, Zone Text Amendment No. 187-2021 will also add CMC Section 9182.46 to provide a path forward for lawfully-established existing businesses in the City to continue to operate without becoming subject to the City’s legal nonconforming use regulations by mitigating or alleviating any adverse impacts thereof on such businesses. Businesses that elect not to engage in such mitigation process will be deemed nonconforming and be subject to the City’s nonconforming use regulations.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and incorporates them herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The Planning Commission has considered the Request in accordance with CMC Section 9172.11(A). The request seeks an update and clarification to CMC Section 9141.1 with respect to the permissible uses for storage of particular materials in the City’s industrial zones, which are the Manufacturing-Heavy (“M-H”) and Manufacturing-Light (“M-L”) zones. More specifically, the Request states that “[t]here are any number of ways the City would amend the text of Section 9141.1 to provide clarity to the regulated public. However, the simplest way to strike a balance between achieving the City’s objectives of promoting health, safety and welfare and allowing storage facilities sufficient flexibility to engage in standard business practices would be to modify Section 9141.1 to allow storage facilities as a “by right” land use so long as CalARP-regulated materials are not stored onsite. If any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit. [¶] Alternatively, the City could specifically authorize the storage of materials that are typically used in the manufacturing process for other industrial ‘by right’ uses.”
- b) There are several categories of nonhazardous materials that, under the existing CMC §9141.1, are listed as automatically permitted for manufacturing uses in the industrial zones, but that are not listed for storage uses in the industrial zones. The Carson Zoning Ordinance provides that all uses not expressly permitted are prohibited (CMC §9141.3). Accordingly, storage of these categories of materials is currently prohibited in the City’s industrial zones, notwithstanding that such uses do not present any danger to the public arising from the nature of the materials stored, and notwithstanding that manufacturing uses involving such materials necessarily must involve storage of the materials for at least some period of time. Accordingly, the Commission finds that insofar as the Request seeks amendment of the CMC to expand the list of permissible industrial storage uses in CMC §9141.1 to encompass the aforementioned categories of nonhazardous materials, the requested change is advisable as an improvement to the Zoning Ordinance and would benefit the overall public health, safety and welfare of the City, subject to addition of a caveat limiting the new automatically permitted storage uses to indoor storage only, with outdoor storage subject to Director approval to avoid potential adverse aesthetic impacts and

public nuisance conditions. However, to the extent the Request goes further and seeks amendment to CMC §9141.1 to provide that all storage of *any and all* non-CalARP-regulated materials is an automatically permitted use in the industrial zones, the requested changes are not recommended by the Commission, because there could be some categories of materials that if permitted for storage in industrial zones without City regulatory oversight could have adverse impacts on the public health, safety or welfare, and such category is too broad to justify relinquishment of City regulatory control without risking adverse consequences to public health, safety or welfare resulting therefrom.

c) With respect to the portion of the Request that suggests, “[i]f any landowner seeks to store CalARP-regulated materials, such use would require a Conditional Use Permit,” such changes are not recommended by the Commission. Few if any CalARP-regulated materials are currently encompassed by the categories of permissible uses listed in CMC §9141.1. Where categories potentially encompassing such materials are listed, they are generally prohibited uses in M-L zones and may be permitted subject to a CUP in M-H zones, but the vast majority of the universe of CalARP-regulated materials is not listed or encompassed at all, meaning industrial uses involving such materials are prohibited uses. Providing that all industrial storage uses involving CalARP-regulated materials are permissible uses subject to approval of a conditional use permit would represent a significant loosening of the City’s existing land use restrictions, and one that is not justified when considering the potential adverse impacts of such action on public health and safety. CalARP-regulated materials are designated as such by state law because they have hazardous qualities such as being toxic, combustible, corrosive and/or flammable, and are potentially harmful to human health if accidentally released. The Commission considers protection of public health and safety its paramount concern, and therefore has a strong interest in minimizing the presence of these materials in the community to ensure the protection of public health and safety. Accordingly, the Commission does not and will not recommend any change to the CMC that loosens the City’s existing land use restrictions pertaining to CalARP-regulated materials. Instead, the Commission recommends strengthening these restrictions to provide that all industrial uses involving substances listed in the relevant provisions of the CalARP-regulations, where the “Regulated Substances” exist in a quantity at or above the “Threshold Quantity,” as detailed in the definitions of “Regulated Substances” and “Threshold Quantity” set forth in the proposed ordinance attached hereto as Exhibit “A” (“Zone Text Amendment No. 187-2021”), are prohibited uses. The Commission also recommends subjecting use in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones of “Regulated Substances” below a “Threshold Quantity” or any non-CalARP “Hazardous Materials” of any quantity, as such term is defined in Zone Text Amendment No. 187-2021, be made subject to issuance of a conditional use permit.

d) To avoid unduly severe adverse impacts on lawfully-established existing businesses resulting from Zone Text Amendment No. 187-2021, the Commission also recommends, as part of Zone Text Amendment No. 187-2021, adding a new Section 9182.46 to the City’s Municipal Code governing nonconforming uses to exempt existing lawfully-established businesses that use or store Hazardous Materials or Regulated Substances of any quantity from being rendered legal, nonconforming by the proposed ordinance, and to therefore exempt such existing uses from applicability

of the City's nonconforming use regulations (Division 2 of Part 8 of the Carson Zoning Ordinance) that would otherwise require the use to be terminated or made conforming within a specified amortization period, provided such businesses timely obtain Director approval under designation "LD" of Section 9141.1, which would allow such uses to continue to operate and become exempt from City's nonconforming use regulations without starting the clock for the applicable amortization period for the use to be terminated or made conforming, effectively freezing the running of the amortization period. Failure to timely submit a completed application would result in the existing use being rendered legal nonconforming and the applicable amortization period commencing, but would not preclude the use from later submitting a completed application, provided it does so before expiration of the applicable amortization period. The permit would issue effective upon submission of a completed application on a Director-approved form, requiring disclosures of any possession or use of Hazardous Materials or Regulated Substances and the then-current and maximum potential quantities of same, and requiring businesses to submit to annual inspections conducted by yet-to-be-hired City staff or consultant inspectors (which inspections would be additional to any inspections required or conducted by the Los Angeles County Fire Department as the Certified Unified Program Agency for the City (CUPA) pursuant to the Unified Program), for the purpose of ensuring compliance with the Carson Municipal Code and facilitating the identification and reporting of any suspected Unified Program violations to the CUPA regarding the presence of Regulated Substances or Hazardous Materials. Maintaining the Director-approved permit would require timely updating the reported maximum potential quantities as disclosed in the application, and submitting to all required inspections; failure to do so would cause a permit to automatically lapse and be terminated upon notice from the Director without a hearing. Re-application would be permitted, subject to a limit of three permit lapses or terminations. The amortization period would continue running during any period in which the permit has lapsed and the existing use has failed to timely reapply, as detailed in the proposed ordinance. If at any time an application or any addendum is determined by the Director to have been falsified or fraudulent, the applicant shall be ineligible to receive any Director-approved permit and any already issued Director-approved permit shall be deemed null and void effective retroactively as of the date of submission of the falsified or fraudulent application or addendum.

e) Zone Text Amendment No. 187-2021 would amend the Zoning Ordinance in a manner that deviates from that suggested by the Request and as necessary to effectuate the Commission's findings and recommendations described above. Zone Text Amendment No. 187-2021 represents a blend of changes to CMC Section 9141.1 that implement components of the Request, insofar as the same are recommended by the Commission and in the best interest of the public health, safety and welfare, together with different or additional changes that are related to the issues raised by the Request but which the Commission has determined would better serve the public health, safety and welfare pertaining to such issues. It also adds CMC Section 9182.46 governing nonconforming uses to provide that existing lawfully established businesses that use or store Hazardous Materials or Regulated Substances

of any quantity are deemed nonconforming unless such businesses obtain Director approval under designation “LD” of Section 9141.1 which will allow businesses to continue to operate and become exempt from City’s nonconforming use regulations. Zone Text Amendment No. 187-2021 is consistent with the General Plan of the City and all applicable specific plans, and is recommended as a necessary update to and clarification of CMC Section 9141.1 and as addition of CMC Section 9182.46, as well as a means of strengthening protection of public health and safety and promoting the overall public welfare by making the City’s industrial land use regulations more logical and practical so as to facilitate the ability of manufacturing and storage businesses in the City to legally engage in safe, standard business activities without facing unnecessary land use restrictions or prohibitions.

SECTION 3. The Planning Commission finds that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommends that the City Council approve Zone Text Amendment No. 187-2021, which is attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the City’s Zoning Ordinance, unless an appeal is filed in accordance with Section 9173.4 of the City’s Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of the Resolution, and shall transmit it to the City Council.

PASSED, APPROVED and ADOPTED this 27th day of July, 2021.

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT "A"

[proposed ordinance – to be attached]

ORDINANCE NO. 21 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES AND HAZARDOUS MATERIALS, AND ADDING SECTION 9182.46 (NONCONFORMITY FOR USE OR STORAGE OF REGULATED SUBSTANCES AND HAZARDOUS MATERIALS) TO DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) REGARDING NONCONFORMITIES FOR USE OF REGULATED SUBSTANCES

WHEREAS, the California Constitution, in Article XI, Section 7, grants local governments the authority under their police powers to regulate land use; and

WHEREAS, Section 9141.1 of the Carson Zoning Ordinance sets forth certain permitted uses in the City of Carson's industrial land use zones, including those concerning storage and manufacturing allowances involving both hazardous and nonhazardous materials in both the M-H (Manufacturing-Heavy) and M-L (Manufacturing-Light) Zones; and

WHEREAS, Regulated Substances, as that term is used herein, means and refers to the substances that constitute "regulated substances" pursuant to the California Accidental Release Prevention ("CalARP") program, established and existing pursuant to Article 2 (Sections 25531 to 25543.3) of Chapter 6.95 of Division 20 of the California Health & Safety Code and the regulations set forth in Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, as such substances are defined in California Health & Safety Code Section 25532 and listed in Table 3 of Section 2770.5 of Title 19 of the California Code of Regulations ("Table 3") and described and listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)), when present or existing in any quantity and irrespective of the threshold quantities set forth in Table 3 or elsewhere in the CalARP program. Notwithstanding the foregoing, a flammable substance listed in Section 2770.5, Table 2, of Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, is excluded from the definition of Regulated Substances when the substance is used as a fuel or held for sale as a fuel at a retail facility; and

WHEREAS, Hazardous Material, as that term is used herein, means and refers to any hazardous material listed in Section 25501(n) of the California Health & Safety Code when present or existing in a given location in any quantity; and

WHEREAS, in furtherance of its police power and to protect and promote the public health, safety and welfare of the City's residents and visitors, the City Council sees fit to modify Section 9141.1 to provide (i) that land uses involving Regulated Substances in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones at or above the "Threshold

Quantity” are prohibited, (ii) that land uses involving Regulated Substances below the “Threshold Quantity” and land uses involving non-CalARP “Hazardous Materials” of any quantity, in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones, be made subject to issuance of a conditional use permit, and (iii) for an expanded list of non-CalARP, nonhazardous substances that are automatically permitted uses for storage, irrespective of whether the use involves only storage of Regulated Substances, storage of Regulated Substances in connection with any manufacturing process, or manufacturing involving Regulated Substances; and

WHEREAS, to avoid unduly severe adverse impacts on lawfully-established existing businesses resulting from the aforementioned use designations, the City Council sees fit to add new Section 9182.46 to the City’s Municipal Code governing nonconforming uses to provide that existing lawfully established businesses that use or store Hazardous Materials or Regulated Substances of any quantity, as such terms are defined in Section 9141.1, are deemed nonconforming unless such businesses obtain Director approval under designation “LD” of Section 9141.1 which will allow businesses to continue to operate and become exempt from City’s nonconforming use regulations. A Director-approved permit will require disclosures of any use of Hazardous Materials or Regulated Substances and their quantities, and will require businesses to become subject to inspections regarding the presence of Regulated Substances or Hazardous Materials; and

WHEREAS, the City Council sees fit to expand the list of non-Regulated Substances, otherwise referred to as nonhazardous substances, which are automatically permitted uses for indoor storage in the M-H and M-L Zones, and to provide that outdoor storage of such non-Regulated Substances is permitted subject to Director approval to ensure that such uses will not have adverse aesthetic effects constituting or resembling public nuisance conditions related to the accumulation of trash, litter, refuse, rubbish, junk, debris, or waste materials (see, e.g., Carson Municipal Code §4124, §§5300 *et seq.*, §5702); and

WHEREAS, the City Council further sees fit to remove from the legend utilized as part of Section 9141.1 the reference to all permitted commercial uses being subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses, and relocate such reference within Section 9141.1 so that it is below the legend, as it is apparent that inclusion of such reference in its current location in the legend was inadvertent and erroneous, and such inadvertence/error could create confusion regarding implementation of prohibited use designations because the “blank” permitted use designation in the legend is properly reserved for, and is and was always reserved and intended to be reserved for, prohibited uses, consistent with the permissive nature of the Carson Zoning Ordinance.

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

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. CEQA. The City Council has determined that adoption of this Ordinance

does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it 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. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

SECTION 3. AMENDMENTS.

A. Section 9141.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read in its entirety as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold, italics, underlined***):

“9141.1 Uses Permitted

Uses are permitted in the industrial zones as indicated in the following table:

USES PERMITTED IN INDUSTRIAL ZONES	
Legend	
X.	Automatically permitted use.
L.	Automatically permitted use provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 3.
D.	Use permitted subject to the approval of the Director.
LD.	Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of Part 2, and subject to the approval of the Director.
C.	Use permitted upon approval of a conditional use permit.
CC.	Use permitted upon approval of the City Council as prescribed under other provisions of the Carson Municipal

USES PERMITTED IN INDUSTRIAL ZONES	
	Code.
	<i>Use prohibited.</i> All commercial uses permitted by this part shall be subject to the requirements contained in CMC <u>9172.23</u> , Site Plan and Design Review, except temporary uses. (See CMC <u>9131.1.</u>) (Ord. 84-704)
DA.	Use permitted upon approval of a development agreement by the City Council subject to the requirements contained in Chapter 15 of Article VI.

Note: All commercial uses permitted by this part shall be subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses. (See CMC 9131.1.) (Ord. 84-704).

Note: In the following list, industrial activities are classified by product, by materials used, by use, and by processes employed. Since many industrial uses are complex in nature, it is necessary to consider all of the above-mentioned elements in classifying any specific industrial use. Uncertainties as to the proper classification for a specific use are to be resolved through Interpretations adopted in accordance with CMC 9172.24.

	ZONES	
	ML	MH
Manufacturing of the Following Products:*		
*Food manufacturing and processing activities are listed under a separate heading.		
Pharmaceuticals – drugs, medicines, vitamin tablets.	X	X
Perfume, cosmetics, toiletries (except soap).	X	X
Soap, bleaching powder, glue.		C

	ZONES	
	ML	MH
Novelties, buttons, brushes, toys, candles.	X	X
Ceramics, pottery, statuary.	X	X
Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type.	X	X
Electric and gas fixtures, electric appliances, electric motors and generators, batteries (including rebuilding), signs (electric, neon, billboards, etc.).	X	X
Furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian blinds, window shades.	X	X
Clothing, dry goods, draperies, bedding, rugs, upholstery, automobile seat covers, awnings, bags, rope, baskets.	X	X
Chamois.		C
Ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol.	X	X

	ZONES	
	ML	MH
Lacquer, synthetic enamel, polyurethane.	C	C
Engines (no foundry).	X	X
Engines (with foundry).	C	C
Automobiles, trailers, boats, aircraft, heavy equipment.		X
Tile (indoor kiln).	X	X
Concrete block, brick, tile (outdoor kiln).		C
Poisons (Class A and Class B)* – pesticides, rodenticides, insecticides, herbicides.		C
*Classification according to the Los Angeles County Fire Department (R.M. Graziano's Tariff No. 25).		
Explosives – fireworks, dynamite, ammunition, weapons involving use or testing with explosive materials.		C
<u>Regulated Substances.</u> <u>(At or above Threshold Quantity)</u>		
<u>Regulated Substances.</u> <u>(Below Threshold Quantity)</u>	<u>C</u>	<u>C</u>
<u>Hazardous Materials.</u>	<u>C</u>	<u>C</u>
Manufacturing of		

	ZONES	
	ML	MH
Products from the Following Materials:		
Textiles, wool, yarn, fur, felt, canvas, leather, hair, feathers, paper, cloth.	X	X
Bone, horn, shells, cellophane, casein (except glue).	X	X
Wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin).	X	X
Hydrocyanic acid, tar, coal tar, pyroxyline plastic, guncotton.		C
Aluminum, sheet metal, ornamental iron, steel.	X	X
Rubber (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed).	L	X
Petroleum.		C
<u>Any Regulated Substance.</u> <u>(At or above Threshold Quantity)</u>		
<u>Any Regulated Substance.</u> <u>(Below Threshold Quantity)</u>	<u>C</u>	<u>C</u>
<u>Any Hazardous Material.</u>	<u>C</u>	<u>C</u>

	ZONES	
	ML	MH
Manufacturing of the Following Materials:		
Dextrin.	X	X
Cloth, textiles, upholstery, felt, canvas.	X	X
Wallboard, fiberglass, glass (no blast furnace).	X	X
Glass (with blast furnace).		C
Polyurethane foam.	C	C
Cellophane, celluloid, cellulose.		C
Steel.		C
Gas acetylene, chlorine, ammonia, synthetic ammonia.		C
Acid, caustic soda, soda ash, lye, lime.		C
Gelatin, grease, tallow.		C
Cement, gypsum, terra cotta.		C
Kalsomine, lamp black, size, phenol, potash, pyroxylin plastic.		C
Petroleum, petroleum cleaning compound, asphalt, tar, coal tar, creosote.		C
Organic peroxide.		C
Fertilizer.		C

	ZONES	
	ML	MH
Explosives – nitroglycerine, nitromethane, nitroethane, cellulose nitrate, gunpowder, blasting powder.		C
<i>Regulated Substances. (At or above Threshold Quantity)</i>		
<i>Regulated Substances. (Below Threshold Quantity)</i>	<u>C</u>	<u>C</u>
<i>Hazardous Materials.</i>	<u>C</u>	<u>C</u>
Industrial Activities Involving the Following Processes:		
Sewing, weaving and knitting of textiles, dyeing of yarn and fabrics.	X	X
Cleaning of fabrics, curtains, carpets.	X	X
Mattress renovation.	X	X
Wool pulling.		C
Photo-finishing, film developing and processing, photoengraving, lithography, block printing, silk screening, printing, book binding.	X	X
Glass silvering, optical grinding, fitting and	X	X

	ZONES	
	ML	MH
mounting; glass blowing (no blast furnace).		
Furniture redecorating and restoration, antique restoration, cabinet making, wood carving.	X	X
Plastic molding (including hydraulic press).	X	X
Tire retreading and recapping.	X	X
Raw rubber processing (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed).	L	X
Rubber reclaiming.		C
Metal plating and finishing (in ML Zone, no perchloric acid).	L	X
Metal engraving, metal fabrication (no snap riveting) metal spinning, tool tempering, welding.	X	X
Foundry (no brass or bronze) – precision investment casting, die casting.	X	X
Foundry (including brass or bronze) forging, drop forge, drop hammer, boiler works, smelter, blast furnace, coke oven, scrap metal processing, metal fabrication (including snap riveting).		C

	ZONES	
	ML	MH
Vehicle dismantling or wrecking, junk and salvage processing, subject to the requirements of CMC <u>9148.1</u> .		C
Aircraft power plant testing.		X
Ore grinding and reduction.		C
Paper shredding.		C
Grinding, dressing or cutting of stone, granite or marble; sand washing.	X	X
Aggregate batch plant, aggregate dryer, rock or asphalt crushing, asphalt plant, sandblasting. (In ML Zone, only permitted on property which also has an ORL Zone designation, and must be at least 1,000 feet, as measured from lot line to lot line, from any residential zone, and any conditional use permit shall be subject to final approval or other action by the City Council.)	C	C
Starch mixing and bottling, paint spray booth, shellac mixing (no cooking), paint or enamel mixing (except lacquer, synthetic enamel, polyurethane).	X	X
Mixing of lacquers, synthetic enamel,	C	C

	ZONES	
	ML	MH
polyurethane paint.		
Shellac mixing (with cooking).		C
Processing of coconut oil, cottonseed oil, linseed oil.		C
Oil canning and packaging (in ML Zone, not more than 100 barrels stored aboveground).	L	X
Petroleum refining, oil reclaiming, coal or coal tar distillation.		C
Potash refining.		C
Bone distillation, fat rendering, offal reduction, curing or tanning of furs or hides, processing of animal by-products.		C
Creosoting.		C
Fertilizer works, manure spreading and drying.		C
Use of organic peroxides,* nitromethane, nitroethane.		C
<p>*Having a severity classification of 3 or greater according to tests prescribed by the Society of the Plastics Industry and acceptable to the Los Angeles County Fire Department.</p>		
Water treatment.	X	X

	ZONES	
	ML	MH
<u><i>Any process involving use of Regulated Substances. (At or above Threshold Quantity)</i></u>		
<u><i>Any process involving use of Regulated Substances. (Below Threshold Quantity)</i></u>	<u>C</u>	<u>C</u>
<i>Any process involving use of Hazardous Materials.</i>	<u>C</u>	<u>C</u>
Resource Extraction:		
Borrow pit.	C	C
Oil fields, oil wells, subject to the requirements of CMC <u>9500</u> – 9537, Oil and Gas Code.	C*	C*
*Development agreement provisions apply as specified in CMC <u>9502</u> and <u>9508</u> .		
Food Manufacturing and Processing:		
Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, nuts and similar food products (no lard, pickles, sauerkraut, or vinegar).	X	X
Lard, pickles, sauerkraut, vinegar.		C

	ZONES	
	ML	MH
Box lunch preparation.	X	X
Fruits and vegetables – packing, canning, processing or extracting or bottling of juices (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Fish barbecuing or smoking (oven less than 10 cubic feet, no fish cleaning, retail sales only).	L	L
Dressing of poultry or rabbits (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).		L
Slaughtering of animals.		C
Meat, fish, dog or cat food – packing, canning, processing.		C
Coffee roasting.		C
Cigars, cigarettes.	X	X
Chewing tobacco.		C
Service and Repair:		
Linen, towel or uniform supply.	X	X
Assaying, gas heater testing, pest control, cesspool cleaning service, plumbing contractor, roofing contractor, tree	X	X

	ZONES	
	ML	MH
surgeon.		
Carpenter shop, machine shop, metal working shop, sheet metal shop, tinsmith, gunsmith (no weapons manufacture involving use or testing with explosive materials), blacksmith, lapidary shop, electrical motor and appliance repair.	X	X
Boat repair, vehicle repair (no limit on size of vehicle), equipment and machinery repair, subject to the limitations of CMC <u>9138.2</u> if within 300 feet of other than an industrial zone.	L	L
Laboratory – product testing, product research.	X	X
Laboratory – chemical, biological, anatomical.	C	C
Equipment Sale and Rental:		
Motor vehicles and heavy equipment of all types and sizes, contractor’s equipment, agricultural equipment.	X	X
Auction:		
Auction – indoor or outdoor (no swap meet or flea market).	C	C
Wholesale:		
Wholesale activities of all	X	X

	ZONES	
	ML	MH
types (except livestock and poultry).		
Poultry (in ML Zone, all activities within an enclosed building).	L	X
Storage:		
Cold storage plant.	X	X
Petroleum coke.		C
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (indoor).</u>	<u>X</u>	<u>X</u>
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Perfume, cosmetics, shampoo, soap, toiletries, and other personal care products (indoor).</u>	<u>X</u>	<u>X</u>
<u>Perfume, cosmetics, shampoo, soap, toiletries, and other personal care products (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Novelties, buttons, brushes, toys, candles (indoor).</u>	<u>X</u>	<u>X</u>
<u>Novelties, buttons, brushes, toys, candles (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ceramics, pottery, statuary (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ceramics, pottery, statuary (outdoor).</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type (indoor).</u>	<u>X</u>	<u>X</u>
<u>Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Electric and gas fixtures, electric appliances, electric motors and generators, batteries, signs (electric, neon, billboards, etc.) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Electric and gas fixtures, electric appliances, electric motors and generators, batteries, signs (electric, neon, billboards, etc.) (outdoor).</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>Mattresses, bedsprings, coffins, fences, sash and doors, venetian blinds, window shades (indoor).</u>	<u>X</u>	<u>X</u>
<u>Mattresses, bedsprings, coffins, fences, sash and doors, venetian blinds, window shades (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Draperies, bedding, rugs, automobile seat covers, awnings, bags, rope, baskets (indoor).</u>	<u>X</u>	<u>X</u>
<u>Draperies, bedding, rugs, automobile seat covers, awnings, bags, rope, baskets (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ink, polish, putty, enamel (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ink, polish, putty, enamel (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Engines (no foundry) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Engines (no foundry) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Automobiles, trailers, boats, aircraft, heavy equipment (indoor).</u>	<u>X</u>	<u>X</u>
<u>Automobiles, trailers, boats, aircraft, heavy equipment (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tile (indoor kiln).</u>	<u>X</u>	<u>X</u>
<u>Tile (outdoor kiln).</u>	<u>D</u>	<u>D</u>
<u>Bone, horn, shells,</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u><i>cellophane, casein (except glue) (indoor).</i></u>		
<u><i>Bone, horn, shells, cellophane, casein (except glue) (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Wood, cork, clay, plastic (indoor).</i></u>	<u>X</u>	<u>X</u>
<u><i>Wood, cork, clay, plastic (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Aluminum, sheet metal, ornamental iron, steel (indoor).</i></u>	<u>X</u>	<u>X</u>
<u><i>Aluminum, sheet metal, ornamental iron, steel (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Rubber (natural or synthetic) (indoor).</i></u>	<u>X</u>	<u>X</u>
<u><i>Rubber (natural or synthetic) (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Dextrin (indoor).</i></u>	<u>X</u>	<u>X</u>
<u><i>Dextrin (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Cloth, upholstery, felt, canvas, fur, leather, hair, feathers (indoor).</i></u>	<u>X</u>	<u>X</u>
<u><i>Cloth, upholstery, felt, canvas, fur, leather, hair, feathers (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Wallboard, fiberglass, glass (indoor).</i></u>	<u>X</u>	<u>X</u>
<u><i>Wallboard, fiberglass, glass (outdoor).</i></u>	<u>D</u>	<u>D</u>
<u><i>Yarn, fabrics, curtains, carpets, wool (indoor).</i></u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>Yarn, fabrics, curtains, carpets, wool (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Photography-related materials (indoor).</u>	<u>X</u>	<u>X</u>
<u>Photography-related materials (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tires (indoor).</u>	<u>X</u>	<u>X</u>
<u>Tires (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Stone, granite, marble (indoor).</u>	<u>X</u>	<u>X</u>
<u>Stone, granite, marble (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, food additives and preservatives, nuts and similar food products (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, food additives and preservatives, nuts and similar food products (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cigars, cigarettes (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cigars, cigarettes (outdoor).</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>Tints, paints, epoxies, resins, sealants (indoor).</u>	<u>X</u>	<u>X</u>
<u>Tints, paints, epoxies, resins, sealants (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Animal feed, grain (indoor).</u>	<u>X</u>	<u>X</u>
<u>Animal feed, grain (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Paper, industrial use paper (indoor).</u>	<u>X</u>	<u>X</u>
<u>Paper, industrial use paper (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cotton (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cotton (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Small electrical parts (indoor).</u>	<u>X</u>	<u>X</u>
<u>Small electrical parts (outdoor).</u>	<u>D</u>	<u>D</u>
Warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods.	X	X
Glass, lumber (no boxes or crates), naval stores, plaster, empty barrels, metal (no scrap), machinery, equipment.	X	X
Polyurethane foam.	C	C
Rock, sand, crushed aggregate and gravel:		
Not more than 2,000 tons.	X	X
More than 2,000 tons. (In	C	X

	ZONES	
	ML	MH
ML Zone, only permitted on property which also has an ORL Zone designation and must be at least 1,000 feet, as measured from lot line to lot line, from any residential zone, and any conditional use permit shall be subject to approval or other action by the City Council.)		
Clay and clay products.	X	X
Cement silo, grain elevator.		X
Petroleum and petroleum products (If associated with oil and gas production and related facilities, refer to CMC <u>9500</u> – 9537, Oil and Gas Code, for governing requirements):		
Not more than 2,500 barrels.	X	X
More than 2,500 barrels.		C
Cargo container (prohibited within 1,000 feet, as measured from lot line to lot line, of residentially zoned property or institutional uses).		L
Natural gas (If associated with oil and gas production and related facilities, refer to CMC <u>9500</u> – 9537, Oil and Gas Code, for governing		

	ZONES	
	ML	MH
requirements):		
Belowground – any amount.	X	X
Aboveground:		
Not more than 500,000 cubic feet.	X	X
More than 500,000 cubic feet.	C	
Oxygen, acetylene (subject to Fire Code requirements).	X	X
Agricultural chemicals (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Liquid petroleum gas (If associated with oil and gas production and related facilities, refer to CMC <u>9500</u> – 9537, Oil and Gas Code, for governing requirements):		
Not more than 30,000 gallons.	X	X
More than 30,000 gallons		C
Fuel yard (not covered elsewhere, including propane).	X	X
Aircraft fuel and lubricant.		C
Explosives – dynamite (over 100 pounds), nitroglycerine, nitromethane, nitroethane,		C

	ZONES	
	ML	MH
cellulose nitrate, gun powder, blasting powder.		
Creosote, creosoted poles.		C
Fertilizer.		C
Junk, salvage, metal scrap, rags, bottles, nonferrous scrap (other than paper), subject to the requirements of CMC <u>9148.1.</u>		C
Waste paper, subject to the requirements of CMC <u>9148.1.</u>	C	C
<u>Regulated Substances.</u> <u>(At or above Threshold Quantity)</u>		
<u>Regulated Substances.</u> <u>(Below Threshold Quantity)</u>	<u>C</u>	<u>C</u>
<u>Hazardous Materials.</u>	<u>C</u>	<u>C</u>
Poison (Class A or Class B)* – pesticides, rodenticides, insecticides, herbicides.		C
*Classification according to Los Angeles County Fire Department. (R.M. Graziano's Tariff No. 25).		
Organic peroxides** – (more than 50 pounds).		C
**Having a severity classification of 3 or		

	ZONES	
	ML	MH
greater according to tests prescribed by the Society of the Plastics Industry and acceptable to the Los Angeles County Fire Department.		
Motor vehicles (not including impounding yard).	X	X
Vehicle impounding yard, subject to the requirements of CMC 9148.1.		C
Aircraft.		X
Transportation, Communications, Utilities and Public Service:		
Service yard – public utility or public service.	X	X
Jail farm, honor farm.	C	C
Aircraft beacons and navigational aids – operating.	X	X
Blimp port, heliport, helistop.	C	C
Railroad yard, repair shop, roundhouse.		C
Truck terminal, subject to the requirements of CMC 9148.9.	C	C
Truck yard, subject to the requirements of CMC 9148.9.		C
Transfer station for refuse, sewage treatment plant.		C

	ZONES	
	ML	MH
Access to other property lawfully used for purposes not permitted on subject property.	X	X
Intermodal container transfer facility.		C
Education:		
Trade school.	X	X
Recreation:		
Arcade (subject to the requirements of CMC 9138.4).	C	C
Archery range.	C	C
Outdoor drive-in theater.	C	C
Range for pistol, rifle, skeet, or trap shooting; turkey shoot.		C
Model airplane area (motor-driven or jet-propelled).		C
Fairgrounds, outdoor festival (permanent).	C	C
Race track – horse, automobile, motorcycle.		C
Zoo.		C
Agriculture:		
Earthworm farm (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Mushroom farm (must be		L

	ZONES	
	ML	MH
at least 300 feet from any residential zone, public school, public park, hospital or long-term health facility).		
Egg candling.	X	X
Studios:		
Motion picture studio or set – indoor or outdoor.	X	X
Cemetery:		
Cemetery, mausoleum, columbarium, crematory.		C
Animal Services:		
Horse stable, riding academy – commercial or private (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	C	C
Animal shelter, pound, kennel, training school.	C	C
Animal hospital, animal research institute.	X	X
Pet cemetery.		C
Electronic message center signs. (See CMC 9146.7.)	C	C
Outdoor Advertising:		
Outdoor advertising sign, including electronic digital displays, subject to the requirements of CMC 9146.7.	CC	CC

	ZONES	
	ML	MH
Recycling Facilities:		
Large collection recycling facility. (Subject to CMC <u>9148.4.</u>)	L	L
Processing facility for recyclables, light. (Subject to CMC <u>9148.5.</u>)	L	L
Processing facility for recyclables, heavy. (Subject to CMC <u>9148.5.</u>)		C
Wireless Telecommunications Facilities (see CMC <u>9138.16</u>):		
Minor wireless telecommunications facilities, subject to the requirement of CMC <u>9138.16.</u>	L	L
Major wireless telecommunications facilities, subject to the requirement of CMC <u>9138.16.</u>	C	C
Uses Permitted in Commercial Zones:		
Any principal use permitted in any commercial zone, whether automatically (X), with limitation (L), or by conditional use permit (C), is automatically permitted in the industrial zones, subject to the same requirements specified for such use in the		

	ZONES	
	ML	MH
commercial zones, except the following:		
Residential:		
Mobile home park.	Not permitted	
Group quarters for members of a religious order.	Not permitted	
Community residential care facility, boarding or rooming house, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens.	Not permitted	
Emergency shelters, up to 30 occupants within the City.	L	L
Emergency shelters, more than 30 occupants within the City.	C	C
Transitional housing, supportive housing and single-room occupancy (SRO) housing.	Not permitted	
Transportation related uses:		
Shared parking facilities.	C	C
Health services:		
Hospital, long-term health care facility, public health center.	C	
Ambulance service.	C	C
Public and quasi-public		

	ZONES	
	ML	MH
uses:		
Archaeological dig, provided the Director determines there is a reasonable prospect that significant scientific, cultural, or historical information will be obtained from the site.	D	D
Education:		
Elementary or secondary school public or private.	Not permitted	
Recreation:		
Golf driving range, pitch-and-putt course, golf course, subject to the limitations of CMC <u>9138.3</u> .	L	L
Arcade, subject to the requirements of CMC <u>9138.4</u> .	C	C
Retail services and offices:		
Adult business.	Not permitted	
Convenience stores.	C	C
Payday loans.	CUP	CUP
Massage service.	Not permitted	
Tattoo service. (New uses not permitted. Existing uses prior to June 7, 2006, required a CUP and are subject to CMC <u>9138.92</u> .)	L	Not permitted
Alcoholic beverage sales and services:		

	ZONES	
	ML	MH
Alcoholic beverage sales in conjunction with variety store, drugstore, mini market, drive-through market, food store, or grocery store excluding a supermarket, take-out food, liquor store, subject to requirements of CMC <u>9138.5</u> .	C	C
Alcoholic beverage sales and services in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club and eating establishment other than a bona fide restaurant, subject to requirements of CMC <u>9138.5</u> .	C	C
Vehicles sales and service:		
Automobile service station, subject to the requirements of CMC <u>9138.14</u> .	C	C
Automobile/vehicle washing, subject to the requirements of CMC <u>9138.14</u> .	C	C
Automobile/vehicle service and repair, subject to the limitations of CMC <u>9138.14</u> .	C	C
Auctions for used automobiles, recreational vehicles, travel trailers, trucks or trailers, not over	C	C

	ZONES	
	ML	MH
2-ton capacity, motorcycles or motorscooters, subject to the requirements of CMC <u>9138.21</u> .		
Temporary Uses:		
Election campaign office in a trailer. (Not permitted earlier than 90 days before the election. To be removed within 14 days after the election.)	L	L
Office or other permitted commercial use in a trailer or other mobile unit. (Permitted for a period not exceeding 6 months during construction of a building on the same lot while a building permit is in effect. The Director may approve reasonable time extensions if he finds construction is proceeding in good faith.)	L	L
Storage of construction materials and equipment at a construction site without the screening which would be required for permanent outdoor storage (only during the period a building permit is in effect).	L	L
Subdivision directional sign. (See CMC <u>9128.31</u> – <u>9128.35</u> .)	LD	LD
Fireworks stand, fireworks storage. (See CMC <u>3101.0</u>)	CC	CC

	ZONES	
	ML	MH
– 3101.10.)		
Tent revival. (See Chapter 6 of Article III.)	CC	CC
Carnival, mechanical rides, pony rides, outdoor festival and similar uses. (See CMC <u>63119</u> and <u>63119.1</u> .)	CC	CC
Circus, rodeo. (See CMC <u>63120</u> ; and Animal Control Ordinance, CMC <u>3300</u> – <u>3301</u> .)	CC	CC
Sidewalk, parking lot, and tent sales. (See CMC <u>9148.7</u> .)	D	D
Yard sales. (See CMC <u>4600</u> – <u>4606</u> .)	L	L
Uses Permitted in Manufacturing Zones:		
Auction house.	C	C
Indoor mini-mart.	Not permitted	
Commercial Cannabis (See Chapter 15 of Article VI)	DA	DA

“Hazardous Material,” as used in this section, means and refers to any hazardous material listed in Section 25501(n) of the California Health & Safety Code when present or existing in a given location in any quantity.

“Regulated Substances,” as used in this section, means and refers to the substances that constitute “regulated substances” pursuant to the California Accidental Release Prevention (“CalARP”) program, established and existing pursuant to Article 2 (Sections 25531 to 25543.3) of Chapter 6.95 of Division 20 of the California Health & Safety Code and the regulations set forth in Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, as such substances are defined in California Health & Safety Code Section 25532 and listed in Table 3 of Section 2770.5 of Title 19 of the California Code of Regulations

("Table 3") and described and listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)), as such may be amended, when present or existing in a given location in any quantity and irrespective of any Threshold Quantity set forth in Table 3 or elsewhere in the CalARP program. Notwithstanding the foregoing, a flammable substance listed in Section 2770.5, Table 2, of Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, is excluded from the definition of Regulated Substances when the substance is used as a fuel or held for sale as a fuel at a retail facility.

"Threshold Quantity," as used in this section, shall have the meaning set forth in California Health & Safety Code Section 25532(p), and as may be amended.

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I."

B. Section 9182.46 (Nonconformity for Use or Storage of Regulated Substances and Hazardous Materials) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby added to read in its entirety as follows:

"9182.46 Nonconformity for Use or Storage of Regulated Substances and Hazardous Materials

Existing lawfully established businesses that use or store Hazardous Materials or Regulated Substances of any quantity, as such terms are defined in Section 9141.1, are deemed nonconforming under this Division 2 if such businesses fail to apply for and obtain Director approval under designation "LD" of Section 9141.1 within sixty (60) days of the date Ordinance No. 21 - [REDACTED] goes into effect ("Application Deadline"). Director approval will allow businesses to continue to operate and become exempt from City's nonconforming use regulations without starting the clock for the applicable amortization period for the use to be terminated or made conforming, effectively freezing the running of the amortization period. Put another way, the applicable amortization period for the use to be terminated or made conforming shall commence on the date of the missed Application Deadline. The permit approval will be deemed effective as of the date of submission of the completed application, as determined by the Director. However, failure to timely submit a completed application will not preclude the existing use from later applying for and obtaining the Director-approved permit to avail the existing use of the exemption, provided a completed application is submitted before expiration of the applicable amortization period. Also, if the permit ever lapses and the permittee does not timely re-apply in conformance with this Section 9182.46, the remaining amortization period will commence running from the date of the missed re-application deadline. The applicable amortization period will freeze during all periods for which a Director-approved permit is in effect, inclusive of any permits issued on an aggregate basis pursuant to this Section. Applications for Director permits must be submitted on a Director-approved application form for approval, and will require applicants to do the following:

(A) file certification with City concurrently with application submission under penalty of perjury stating whether businesses use or store Hazardous Materials or Regulated Substances and the quantities (both current quantities and anticipated maximum quantities that the business may potentially use or possess at any given time) of each of them. If at any time the anticipated maximum quantity specified in the application becomes outdated or is no longer accurate, applicant must submit, within thirty (30) days after learning that the anticipated maximum quantity is no longer accurate, an addendum to the application which includes the updated maximum quantity information; and

(B) agree to allow City inspector to inspect the business premises once per year and submit reports of such inspection to the Certified Unified Program Agency having jurisdiction in the City (the Los Angeles County Fire Department, Health Hazardous Materials Division (CUPA)) when inspector finds any suspected violations of CalARP or other State Hazardous Materials regulations identified during the inspections.

Director shall approve applications upon confirmation that they comply with Section 9182.46 (A) and (B), but if the applicant fails or refuses to submit the required addendum or submit to any of the annual inspections, the permit shall be deemed automatically lapsed without any City action or hearing needed, provided that Director notifies applicant of the lapse in permit. If the permit lapses, applicant may reapply for the permit by no later than sixty (60) days of receipt of Director's notice of lapse; however, applicant shall be permitted to apply or reapply for the permit a maximum of three (3) times. Notwithstanding anything else, if at any time the information contained in the application or any addendum is determined by the Director to have been falsified or is fraudulent, the applicant shall be ineligible to receive any Director-approved permit and any already issued Director-approved permit shall be deemed null and void effective retroactively as of the date of submission of the falsified or fraudulent application or addendum.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this
_____ day of _____, 2021.

Lula Davis-Holmes, Mayor

ATTEST:

John W. Carroll, Sr., Chief Deputy City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney